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UNITED STATES DISTRICT COURT

for the

Western District of Washington

Seattle Division

RIVKA (“REBECCA”) SPIVAK,

Plaintiff,

vs.

ALPHABET INC, FACEBOOK INC, BRIAN

LEE JOHNSRUD, SHAWN JASON BAYERN,

RAYMOND LESLIE BLESSEY, AYAN RAY

KAYAL, DAVID ANDREW RUSSCOL, DIANA

RUTH SHERMAN, MAX RAYMOND CHO;

DOES I THROUGH X, AND ROE BUSINESSSS

ENTITIES I THROUGH X.

Defendants

Case No.

COMPLAINT FOR DAMAGES

1. CONSPIRACY TO  
INTERFERE WITH CIVIL  
RIGHTS

2. RACKETEERING

3. INVASION OF PRIVACY

1 **COMPLAINT**

2  
3 For this Complaint, Plaintiff Rivka (“Rebecca”) Spivak (“Plaintiff”)  
4 alleges as follows:  
5

6  
7 **I. NATURE OF COMPLAINT**  
8

9  
10 1. Plaintiff is a former Google employee who previously raised  
11 allegations that Google and their lawyers obstructed justice in a federal EEOC  
12 Investigation and in other legal proceedings. This action arises from a Google-  
13 led conspiracy to intimidate Plaintiff, to induce her to abandon her Title VII  
14 claims, to discredit her criminal allegations, and to have her disqualified as a  
15 potential witness in any future criminal prosecutions of Google’s obstruction.  
16

17  
18 **II. JURISDICTION AND VENUE**  
19

20  
21 2. This Court has subject-matter jurisdiction under 28 U.S.C. §  
22 1343 because this action arises in substantial part under the laws of the  
23 United States, and 42 U.S.C. § 1985, because this action alleges conspiracy to  
24 interfere with civil rights.  
25

26 3. This Court also has subject-matter jurisdiction under 28 U.S.C.  
27 § 1331 because this action arises in substantial part under the laws of the  
28

1 United States, and 18 U.S.C. § 1964(c), because this action alleges violations of  
2 the Racketeer Influenced Corrupt Organizations Act (“RICO”), 18 U.S.C. §  
3 1962.  
4

5 4. This Court has original jurisdiction under 28 U.S.C. § 1332(a)  
6 because the parties’ citizenship is completely diverse and the amount in  
7 controversy exceeds \$75,000, exclusive of interest and costs.  
8

9 5. Venue is proper because a claim under 18 U.S.C. § 1964 can be  
10 brought in any federal district court.

11 6. Venue is also proper in this District under 28 U.S.C. § 1391  
12 because substantial parts of the events or omissions giving rise to the claims  
13 occurred in this District.  
14

15 7. This Court has personal jurisdiction over defendants under  
16 18 U.S.C. § 1965a because one or more RICO defendants, including Alphabet,  
17 Inc. and Facebook, Inc., have presence, agents, and/or conduct business in this  
18 District.  
19

20 8. This Court also has personal jurisdiction over defendants  
21 under FRCP Rule 4(k)(1)(A) and Washington State RCW 4.28.185 because  
22 tortious actions and/or injuries occurred in this State and District.  
23

24 9. This Court also has personal jurisdiction because defendants  
25 purposefully directed their activities at this forum. (Schwarzenegger v. Fred  
26 Martin Motor Co., 374 F.3d 797, 801 (9th Cir. 2004) (citing International Shoe  
27 Co. v. Washington, 326 U.S. 310, 316 (1945)).)  
28

### III. PARTIES

10. PLAINTIFF Rivka “Rebecca” Spivak (“Plaintiff”) is a citizen of the United States and a resident of Seattle, Washington. Plaintiff was employed by Google from April 2010 until November 2015 as a Senior Product Manager, and for most of that time she worked on Google’s display and video advertising products. In addition to working for Google, Plaintiff has worked for Microsoft, Expedia, Roubini Global Economics, and Amazon. She has held roles in Product Management, Engineering, and Data and Applied Science, and at individual, management, and senior leadership levels. Plaintiff graduated *Magna Cum Laude* from Yale University with a B.S. and M.S. in Computer Science. She holds two additional graduate degrees, including an MBA from Harvard Business School and a J.D. from Concord Law School. She is a member of the State Bar of California (# 263866).

8 Defendant ALPHABET, INC (“Google”) is a Delaware corporation headquartered in Mountain View, California. Google operates one or more satellite offices, owns and/or leases real property, employs workers, has agents, and conducts business in Seattle, Washington.

9 Defendant FACEBOOK is a Delaware Corporation headquartered in Menlo Park, California. Facebook operates one or more satellite offices, owns and/or leases real property, employs workers, has agents, and conducts business in Seattle, Washington.

1           10     Defendant BRIAN LEE JOHNSRUD (“Johnsrud”) is a citizen  
2 of the United States, a resident of California, and a partner at the law firm  
3 Curley, Hessinger, and Johnsrud LLP. Johnsrud was outside counsel for  
4 Google on the federal case *Google v. Spivak*, in the EEOC investigation of  
5 Plaintiff’s claims, and in the JAMS arbitration *Spivak v. Google*.  
6

7           11     Defendant RAYMOND LESLIE BLESSEY (“Blessey”) is a  
8 citizen of the United States, a resident of the state of California, and a senior  
9 partner at the law firm Reback, McAndrews, and Blessey LLP.  
10

11           12     Defendant SHAWN JASON BAYERN (“Bayern”) is a citizen of  
12 the United States, a resident of the State of Florida, and a law professor at  
13 Florida State University. Bayern and Plaintiff were classmates at Yale in the  
14 graduating class of 1999. They stayed in close contact through a small and  
15 active/engaged alumni email group (“Plusmail”) and through countless hours  
16 of private chats that were often personal and private in nature.  
17

18           13     Defendant AYAN RAY KAYAL (“Kayal”) is a citizen of the  
19 United States, a resident of the State of California, and Associate General  
20 Counsel, Product & Privacy at Facebook. Kayal is also an alumnus of Yale and  
21 was another member of the Plusmail email group.  
22

23           14     Defendant DAVID RUSSCOL (“Russcol”) is a citizen of the  
24 United States, a resident of the State of Massachusetts, and an associate at  
25 the law firm Zalkind, Duncan & Bernstein LLP. Russcol is also an alumnus of  
26 Yale and was another member of the Plusmail email group.  
27  
28

1           15     Defendant DIANA SHERMAN (“Sherman”) is a citizen of the  
2     United States, a resident of the State of California, and a coordinator with the  
3     Oakland Unified School District in Oakland, CA. She is also an alumna of  
4     Yale and was another member of the Plusmail email group.  
5

6           16     Defendant MAX RAYMOND CHO (“Cho”) is a citizen of the  
7     United States, a resident of the State of New York, and a Product Manager at  
8     Google. He is also an alumnus of Yale and was another member of the  
9     Plusmail email group.  
10

#### 11 12 13           IV.     RELATED CASES AND INVESTIGATIONS 14

15  
16  
17           17     Spivak v. Google: EEOC Charge No. 551-2015-00827: On  
18     March 2, 2015, Plaintiff completed an intake questionnaire with the EEOC  
19     laying out a complaint against Google. Plaintiff completed an intake interview  
20     on May 15, 2015. The EEOC received Plaintiff’s signed Charge of  
21     Discrimination on June 23, 2015. The EEOC conducted an investigation and  
22     issued a Notice of Right to Sue on January 27, 2017.  
23

24           18     Google v. Spivak, Civil Action No. 15-CV-02981-HRL: On June  
25     26, 2015, Google filed a Petition to Compel Arbitration against Plaintiff in the  
26     United States District Court for the Northern District of California. Plaintiff  
27  
28

1 was given notice on July 6, 2015 and waived Service of Summons. The case  
2 was dismissed on July 14, 2015.

3 19 Spivak v. Google – JAMS Ref No. 1110018238: On July 28,  
4 2015, Plaintiff filed for arbitration with JAMS. The arbitrator was Hon. Robert  
5 A. Baines (Ret.). On October 19, 2015, the arbitration was stayed pending the  
6 EEOC investigation. The stay was lifted March 21, 2017. The arbitration was  
7 dismissed with prejudice on July 22, 2019.

8 20 Gonzalez v. Spivak, Case No. BC635130: This is an apparently  
9 unrelated medical malpractice case filed in Superior Court of the State of  
10 California, County of Los Angeles. *Gonzalez* is relevant to this complaint  
11 because this complaint raises allegations tied to the fact that Blessey, the lead  
12 defense attorney in *Gonzalez*, repeatedly sent Plaintiff privileged emails  
13 purportedly meant for his own client. A review of the docket shows that  
14 *Gonzalez* was filed on September 22, 2016 and that over the subsequent three  
15 years, the majority of scheduled proceedings were not held. The Register of  
16 Actions shows the following action on November 5, 2019: “Jury Trial - Not  
17 Held - Vacated by Court.”

18 21 Bayern v. Spivak Case No. 2019 DR 003189: On October 23,  
19 2019, Bayern filed a Petition for Injunction for Protection Against Stalking  
20 against Plaintiff in the Circuit Court of the Second Judicial Circuit, in and for  
21 Leon County, Florida. A hearing was held on November 7, 2019 and judgement  
22 was ordered in favor of Bayern.

1           22     State of Florida v. Spivak: On February 21, 2020, Bayern filed  
2 additional complaints against Plaintiff and had Plaintiff charged with  
3 Aggravated Stalking (3<sup>rd</sup> Degree Felony) under Florida Criminal Statute  
4 784.048(4). The probable cause affidavit states the following: “Bayern believes  
5 Spivak suffers from significant delusions in which she thinks Bayern has  
6 engaged in a bizarre set of actions; as a result, she has developed a very  
7 concerning hostility towards Bayern.” These charges are pending.  
8  
9

10  
11                           **V.     POINTS OF REFERENCE**  
12

13           23     Plusmail: Plusmail was a small but high-volume alumni email  
14 group that Plaintiff was a member of for approximately 20 years. It was  
15 originally formed as an offshoot social email list for a group of students who  
16 worked a technical-support job at Yale University. In recent years, Bayern,  
17 Kayal, and Plaintiff were the three most active participants on Plusmail,  
18 accounting for close to half of all activity in the email group. Plusmail was not  
19 a large distribution list but rather a vehicle for a couple dozen long-time  
20 friends to talk to each other every day about all sorts of personal, professional,  
21 and cultural topics.  
22  
23

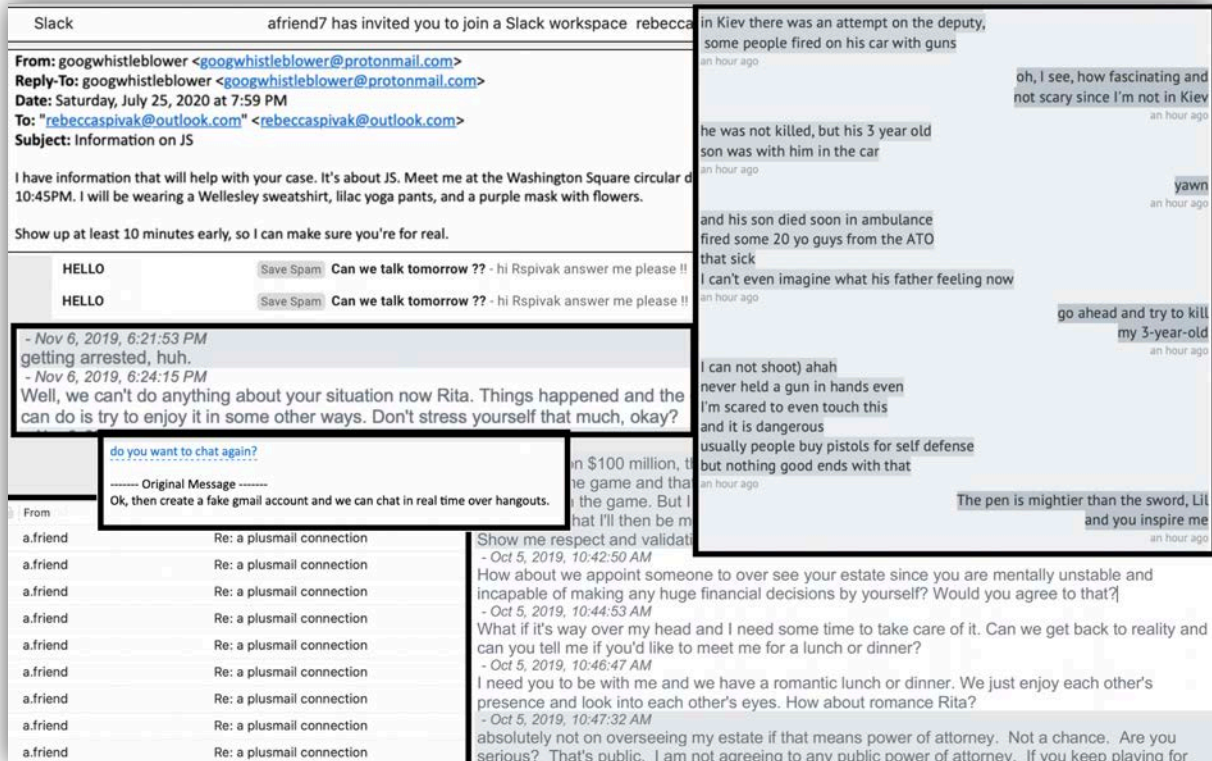
24           24     “Gaslighting”: Plaintiff uses the term “gaslighting” in this  
25 complaint. As of September 28, 2020, “gaslighting” was defined by Wikipedia  
26 as follows:  
27  
28



1           **Gaslighting** is a form of psychological manipulation in  
2           which a person or a group covertly sows seeds of doubt in  
3           a targeted individual or group, making them question  
4           their own memory, perception, or judgment, often evoking  
5           in them cognitive dissonance and other changes,  
6           including low self-esteem. Using denial, misdirection,  
7           contradiction, and misinformation, gaslighting involves  
8           attempts to destabilize the victim and delegitimize the  
9           victim's beliefs. Instances can range from the denial by  
10          an abuser that previous abusive incidents occurred, to  
11          belittling the victim's emotions and feelings, to the  
12          staging of bizarre events by the abuser with the intention  
13          of disorienting the victim.

14           25       "The Backchannel": This references the various off-the-record  
15          communications that Plaintiff had with Google. At times Google contacted  
16          Plaintiff using an anonymous email and invited her to join an anonymous chat.  
17          Through these off-the-record chats, Google attempted to negotiate with  
18          Plaintiff, and also aggressively harassed and threatened her. Plaintiff  
19          participated in these chats because Google refused to have any meaningful  
20          conversations with her on the record. For the sake of this complaint, it is not  
21          practical to set the entire context for how each off-the-record chat was initially  
22          established. To distinguish off-the-record communications from those that  
23          happened more transparently, this complaint will use language along the lines  
24          of "Google told Plaintiff [...] via the Backchannel." Plaintiff asserts that when  
25          she attributes anonymous communications to Google, she does so with  
26          evidentiary support and on good faith belief. Plaintiff will provide this  
27  
28

evidence in discovery and at trial as appropriate, and also expects that forensic experts will be able to provide tracing and further proof.



## VI. FACTUAL ALLEGATIONS

### 2010 – 2015: Plaintiff Experienced Gender Discrimination at Google

26 Plaintiff was employed by Google from April 2010 through  
 November 2015 as a Senior Product Manager.

1           27     During her employment, Plaintiff drove, devised, and invented  
2 strategies, algorithms, and data technologies that grew Google's display and  
3 video advertising business by billions of dollars in annual revenue.  
4

5           28     Plaintiff experienced pregnancy discrimination and gender  
6 discrimination during her employment.

7           29     Plaintiff was retaliated against when she complained.

8           30     Plaintiff complained of pregnancy discrimination in 2012.  
9

10          31     Plaintiff repeatedly complained of gender discrimination and  
11 retaliation throughout 2014.

12          32     Google's internal files and communications show that by mid-  
13 2014, Google's senior leadership was aware that Plaintiff was complaining of  
14 gender discrimination and was anticipating litigation.  
15

16          33     In May 2015, an internal investigation of Plaintiff's complaints  
17 conducted by Human Resources Business Partner Ariana Tortorici concluded  
18 "it does appear that Rebecca was being treated differently based on gender"  
19 and it appeared to be "unfair." Tortorici emailed these findings to Plaintiff's  
20 former manager, also telling him, "For the future, please make sure to treat  
21 males/females the same with their upcoming/return from parental leave ..."  
22

23          34     On June 18, 2015, Plaintiff's lawyers sent Google a demand  
24 letter laying out her discrimination claims.  
25

26          35     On June 23, 2015, the EEOC received Plaintiff's signed charge  
27 of Discrimination.  
28

June 26, 2015: Google Responds to Plaintiff's Demand Letter by Filing a  
Dishonest Petition Against Plaintiff in Federal Court

36 On June 26, 2015, Google filed a Petition to Compel Arbitration alleging that Plaintiff was refusing to honor the arbitration agreement.

37 Plaintiff had not refused to honor the arbitration agreement and had not done anything that justified Google filing the petition against her.

38 Google filed the petition without first responding to Plaintiff's letter to explore whether any alleged disagreement could be resolved.

39 The case law that Google cited to justify the petition was not applicable to the facts.

40 In the unwarranted petition, Google made public unnecessary and misleading detail that was prejudicial to Plaintiff.

41 As part of the petition, Tortorici submitted a declaration containing the following statement: "I and another Human Resources Employee based in Mountain View have reviewed Spivak's various allegations and have concluded that they are without merit."

42 Tortorici's declaration contained false statements and contradicted her own internal documentation of the investigation.

43 Google submitted Tortorici's declaration as part of *Google v. Spivak* knowing that it contained false statements.

1           44     After a few short exchanges between the attorneys, *Google v.*  
2     *Spivak* was dismissed and Plaintiff filed for arbitration on July 28, 2015.  
3

4  
5           September 2015 – January 2017: Google is Dishonest in the EEOC

6                   Investigation of Plaintiff's Claims  
7

8           45     The EEOC asked Google to respond to Plaintiff's charge.  
9

10          46     To avoid parallel proceedings, Plaintiff's pending arbitration  
11     was stayed pending the conclusion of the EEOC investigation.

12          47     On September 21, 2015, Google filed a response to Plaintiff's  
13     EEOC charge, urging the EEOC to dismiss the charge without investigating  
14     and to issue a No Cause finding.  
15

16          48     Google centered their argument on an allegation that Plaintiff  
17     had not complained of gender bias prior to February 2, 2015. They claimed she  
18     only complained then as a strategic move to avoid being fired after a conflict  
19     with her manager.  
20

21          49     Plaintiff had a conflict with her manager after he told her he  
22     would be reducing her performance rating because she had taken time off for  
23     her daughter's surgery. Plaintiff knew this was pretext and that it was  
24     ongoing retaliation because she had complained of discrimination.  
25

26          50     Below is an excerpt from the EEOC response submitted on  
27     September 21, 2015 by Google attorney Brian Johnsrud.  
28

**3. February 2, 2015: Spivak Complains For The First Time About Alleged Gender Discrimination, Admitting She Did So Because She Believed It Made Her “Unfireable.”**

On Monday, February 2, 2015, Spivak complained for the first time about alleged gender discrimination. (Exhibit 15). In doing so, she threw many successful women at Google under the bus by claiming that they “were rewarded for being submissive or coy.” She then went on to fault HR saying “I know that HR’s first reaction is likely to be to discredit this assertion rather than consider it.”

51 The allegation that Plaintiff did not complain of discrimination before February 2, 2015 was both false and material to Google’s argument.

52 By May 4, 2014, Google had already internally documented that Plaintiff had raised complaints that were classified as “EEO.”

53 On October 6, 2014, Human Resources emailed Senior Vice President Neal Mohan warning him that Plaintiff was complaining of gender bias and that there was an “continued concern that she is litigious.”

**From:** Lauren Thomas [REDACTED]  
**To:** Neal Mohan [REDACTED]  
**Sent:** Mon, 6 Oct 2014 10:10:40 -0700  
**Subject:** TIME SENSITIVE: Info for your meeting with rivka@

Hi Neal,

Nina informed me that you’re meeting with Rivka this morning prior to the calibration session. As promised, here’s some context and talking points that you may find useful. More than what

Carol

HR a

Rega

Laure

Back

“There is continued concern that she’s litigious and she’s very quick to attribute much of the feedback she receives to gender bias ...”

54 In February 2015, Google Engineering Manager Michael English, who worked closely with Plaintiff, was questioned by Employee

1 Relations. English confirmed to Employee Relations that Plaintiff had  
2 previously complained to him many times of gender bias.

3 55 Employee Relations warned English to never tell anyone that  
4 he had told them that Plaintiff had previously complained of gender bias.  
5

6 56 Google had multiple internal documents confirming that  
7 Plaintiff had complained of gender bias well before February 2, 2015.  
8

9 57 Google was intentionally lying when they told the EEOC that  
10 Plaintiff had not complained of gender discrimination before February 2, 2015.  
11

12  
13 Google Knowingly Submits Altered Evidence to the EEOC  
14  
15

16 58 As part of their response, Google gave the EEOC emails that  
17 they claimed that Plaintiff had sent. The emails, as submitted by Google, were  
18 materially excised without any indication that they had been altered.  
19

20 59 Google also submitted those altered emails in the parallel  
21 arbitration proceeding as part of their Motion to Stay the arbitration.  
22

23 60 The alterations materially changed the meaning of the emails  
24 in a way highly prejudicial to Plaintiff.

25 61 Google later claimed that those emails had been forwarded to  
26 them by an “anonymous sender” and that the anonymous sender must have  
27 made the alterations before sending them to Google.  
28

1           62     Google submitted those emails to the EEOC as evidence,  
2     without disclosing that the emails were unverified and had been received from  
3     a questionable anonymous source.  
4

5           63     Google had reason to be suspicious of the emails beyond the  
6     fact that they were forwarded anonymously. The anonymous sender had  
7     forwarded Google what seemed to be the same email multiple times. A review  
8     of those duplicate emails shows that an email forwarded a second time by the  
9     anonymous sender was different than when it had been forwarded the first  
10    time. Emails sent a second time had missing paragraphs, sentences, and  
11    sentence-fragments compared to the first time they were forwarded.  
12

13           64     Given that the anonymous sender had sent Google conflicting  
14    versions of what otherwise seemed like the same email, Google must have  
15    known that the anonymous sender was sending them altered emails.  
16

17           65     Google could have accessed the original unaltered emails  
18    because Plaintiff had sent the original emails from her Gmail account on her  
19    corporate-issued laptop while she was still a Google employee.  
20

21           66     As a condition of her employment with Google, Plaintiff had  
22    accepted Google's Code of Conduct, which provided the following:  
23

24           Google reserves the right to monitor, access and disclose  
25           communications made on or information stored in any  
26           and all of its work areas, work product and equipment,  
27           including technological resources. [...] This also means  
28           that for legitimate business purposes (such as the need to  
          access business records, to administer electronic facilities,  
          to investigate suspected misconduct or to prevent



misconduct from occurring), we monitor, access, and disclose information or communications, including personal information and communications, made or stored on Google facilities or premises.

67 When Google received the forwards from the anonymous sender, there was an active investigation of Plaintiff's discrimination complaints. By policy, Google could have, and would have, been monitoring and reviewing the emails Plaintiff sent from her corporate device.

68 Before giving the EEOC emails that Google had reason to know were altered, Google could have reviewed the original emails sent by Plaintiff from her corporate device to check which, if any, of the anonymous sender's conflicting versions was authentic.

69 Google knowingly submitted altered emails in the federal investigation of Plaintiff's EEOC charge without disclosing that they had reason to know the emails were altered.

70 Google also apparently failed to make a reasonable inquiry into the authenticity of those altered emails by cross-checking them against the originals, even though by policy they would have already been monitoring and reviewing Plaintiff's emails.

#### Google Further Alters the Anonymous Sender's Altered Emails

1           71     Exhibit 13 to Google’s EEOC Position Statement is one of the  
2 altered emails forwarded to Google by the anonymous sender.

3           72     In that email, Plaintiff reflects on the conflict that she had had  
4 with her manager earlier that day after he penalized her for taking too much  
5 time off for her two-year-old daughter’s surgery.

6           73     On page 12 of Google’s Position Statement, Google purports to  
7 quote that same Exhibit 13 email to support their allegations of Plaintiff’s  
8 state-of-mind. Specifically, Google introduces the email as evidence that  
9 “Spivak then sent an email bragging about her unprofessionalism.”  
10

11           74     As included in Exhibit 13, the email contains the following  
12 sentence in the middle of the opening paragraph: “I wasn’t planning on it, and  
13 don’t mean to be melodramatic, but losing the baby and all has also made me  
14 go more into ‘not gonna deal with shit’ mode.”  
15

16           75     As included on page 12, the email’s opening paragraph does not  
17 contain that sentence. The sentence is inexplicably missing.  
18

19           76     The fact that Plaintiff was mourning a recently-lost pregnancy  
20 and the fact that Plaintiff directly attributed her loss of composure to her  
21 distress over losing the baby was material to her state of mind.  
22

23           77     The missing sentence would have contradicted Google’s  
24 allegation that Plaintiff was “bragging.” Plaintiff was mourning a recently lost  
25 pregnancy and was caring for her toddler who had just had surgery. It is true  
26 that, for these reasons, she had a reduced ability to turn-the-other-cheek to the  
27  
28

1 ongoing illegal retaliation she had been subjected to. She wasn't bragging  
2 about it. She was distressed and upset.

3 78 Because the sentence is not missing in Exhibit 13 to Google's  
4 EEOC Position Statement, and because Google submitted the Position  
5 Statement and the Exhibits at the same time, Google must have intentionally  
6 removed the sentence from the middle of the email on page 12 but forgotten to  
7 also remove it from Exhibit 13.  
8

9 79 Google altered evidence in a material way and knowingly  
10 submitted that altered evidence in the federal investigation of Plaintiff's  
11 EEOC charge to support their argument that the EEOC should close Plaintiff's  
12 charge and issue a No Cause finding.  
13  
14

15  
16  
17 Google Fails to Take Any Remedial Action on Notice of the Alterations  
18  
19

20 80 Google had also submitted those altered emails in the parallel  
21 arbitration of *Spivak v. Google* as part of their Motion to Stay.

22 81 On September 28, 2015, one week after Google had submitted  
23 those altered emails to the EEOC, Plaintiff alerted Google and the arbitrator  
24 that the emails Google had submitted as part of their Motion to Stay were  
25 altered. Plaintiff provided Google and the arbitrator with the originals.  
26  
27  
28

1           82     Despite having sent those same emails to the EEOC and now  
2 being on notice that the emails were materially altered, Google took no  
3 remedial action to correct and rectify their previous submission to the EEOC.  
4

5           83     The EEOC investigation remained open for more than one year  
6 after Plaintiff alerted Google that the emails were altered. During that year  
7 Google had multiple interactions with the EEOC, but Google never let the  
8 EEOC know that they had since learned that the emails they had previously  
9 submitted were altered.  
10

11           84     Throughout the EEOC's attempt to investigate Plaintiff's  
12 claims, Google made additional material misrepresentations and withheld the  
13 pay-data requested by the EEOC to establish Plaintiff's damages.  
14

15           85     On December 2, 2016, nearly eighteen months after she signed  
16 her charge of discrimination, Plaintiff requested that the EEOC close the  
17 investigation and issue a Notice of Right to Sue.  
18

19           86     On March 21, 2017, the stay of arbitration in *Spivak v. Google*  
20 was lifted.  
21

22  
23           May 2018: Arbitration of Spivak v. Google is in the Discovery Stage,  
24           and Plaintiff Represents Herself Pro Se  
25

26  
27           87     In May 2018 Plaintiff proceeded with her arbitration Pro Se.  
28

88 Google told Plaintiff that they would not have a phone conversation with her and that all communication would be done via email.

89 Google was uncooperative with Plaintiff throughout discovery and made false material statements in their discovery pleadings.

#### August 2018: Google Intimidates Potential Plaintiff-Side Witnesses

90 On August 21, 2018, Google's legal team sent out a mass email to a group of Google employees encouraging them to "reply all" and request that Plaintiff be prohibited from contacting them. The email was highly prejudicial to Plaintiff and significantly misrepresented the status of the case and the arbitrator's recent order. The email also employed intimidating psychological and social tactics that pressured employees to make the "no contact" request even if they otherwise supported Plaintiff.

On Tue, Aug 21, 2018 at 10:08 AM Natalie Parker <[REDACTED]> wrote:

Hello,

As you may know, a former Google employee, Rebecca Spivak, filed claims against Google and those claims are currently pending in arbitration. During the proceedings, Ms. Spivak has sent a number of communications to former and current Googlers through various platforms, including social media sites. Based on the content and tone of these communications, the arbitrator has ordered that we furnish Spivak with a list of employees who have requested not to be contacted by her. Spivak is to honor those requests.  
Please reply all to this email if you do not want Spivak to contact you.

If you have any questions, please email Michael Pfyl or Peter Cooper, both included on this email.  
Thank you,  
Natalie Parker

Natalie Parker | Sr. Employment Paralegal [REDACTED]  
1 Market Street, Spear Tower, Suite 400, San Francisco, CA 94105

1           91     Multiple employees who received this email were potential  
2     Plaintiff-side witnesses.

3           92     Multiple potential Plaintiff-side witnesses were biased against  
4     Plaintiff by the content and tone of this communication.

5           93     At least one Google employee who was otherwise a strong  
6     supporter of Plaintiff and a strong potential Plaintiff-side witness replied and  
7     requested that Plaintiff not contact him. He later explained that he did so  
8     because he felt intimidated and pressured to do what the lawyers asked.  
9     because he felt intimidated and pressured to do what the lawyers asked.

10          94     As a result, Plaintiff was prohibited from contacting one or  
11     more Plaintiff-side witnesses and multiple Plaintiff-side witnesses were  
12     blocked or dissuaded from being available to testify on Plaintiff's behalf.  
13     blocked or dissuaded from being available to testify on Plaintiff's behalf.

14  
15  
16           September 2018: Facebook Helps Google Create Misleading Evidence  
17

18          95     By September 2018, Facebook had been actively recruiting  
19     Plaintiff to interview for a job. Plaintiff had not been interested, but finally  
20     agreed to interview after being contacted by her former manager, who was  
21     then a director at Facebook, with promises of high compensation.  
22     then a director at Facebook, with promises of high compensation.

23          96     Google's lawyers were aware that Plaintiff was interviewing  
24     and specifically told her to make sure that she preserved all evidence related  
25     to her interview process.  
26     to her interview process.

1           97     At the conclusion of the interview process, Facebook sent  
2     Plaintiff a written offer for less than half the compensation she had been told  
3     to expect when she agreed to interview.  
4

5           98     In violation of their own protocols, Facebook sent the written  
6     offer to Plaintiff without extending it verbally first.

7           99     The offer also contained terms that Plaintiff had already told  
8     Facebook were “deal-breakers.” Facebook violated their own protocols in  
9     extending a written offer that Plaintiff had already effectively rejected.  
10

11          100    Plaintiff turned down the offer without attempting to  
12    negotiate. She felt that Facebook had been intentionally offensive in forcefully  
13    sending her a written offer with terms that she had specifically told them she  
14    would consider degrading and that she didn’t want to receive.  
15

16          101    Plaintiff understood that the offer she received could be used  
17    by Google to support various allegations that they had made about Plaintiff’s  
18    fair pay and level.  
19

20          102    Plaintiff’s former manager told Plaintiff that he was surprised  
21    that she had been given such a low offer and even more surprised that there  
22    had been no verbal offer first. He also told Plaintiff that there were additional  
23    things about Plaintiff’s interview process that struck him as odd, including the  
24    fact that he had been told he had to stay out of the process.  
25

26          103    Plaintiff alleges, and the circumstantial evidence strongly  
27    supports, that Facebook baited Plaintiff with promises of high compensation  
28

1 and then forcefully sent Plaintiff an unwanted written offer because they had  
2 agreed to help Google create misleading evidence in Plaintiff's case.  
3

4  
5 November-December 2018: Plaintiff Brings a Motion for Sanctions  
6

7 104 While in arbitration, Google continued to lie, mislead, submit  
8 false evidence, and make material misrepresentations of fact.  
9

10 105 Google's misconduct led to Plaintiff losing a discovery motion  
11 where she had asked for access to promotion data for the display advertising  
12 division under Neal Mohan. Plaintiff had considered this data critical to issues  
13 of liability and damages, and she was devastated when the arbitrator ruled in  
14 Google's favor based on outright lies in Google's discovery brief.  
15

16 106 Because Google's misconduct was blocking Plaintiff from  
17 pursuing her claims on their merits, Plaintiff requested permission to bring a  
18 motion for sanctions. Permission was granted.  
19

20 107 In her sanctions motion, Plaintiff documented Google's  
21 dishonesty in the arbitration and in the prior EEOC investigation. She pointed  
22 out that Google was in possession of multiple conflicting versions of emails  
23 that they claimed to not know were altered. She pointed out that Google made  
24 statements of facts in briefs when the record in their possession shows that  
25 they knew those statements were false. She alleged that Google was resting  
26  
27  
28



1 arguments on quotes from inapplicable case law that they must have known  
2 was inapplicable.

3  
4 108 The arbitrator ruled against Plaintiff, saying the following:  
5 “Although not currently a practicing attorney, Spivak has a law degree and for  
6 a period of time was a member of the California State Bar. She also has other  
7 advanced degrees and obviously understands the nature of the tactics in which  
8 she has engaged.”  
9

10 109 Plaintiff believes the order is open to various interpretations.<sup>1</sup>

11 110 One way to interpret the ambiguous phrasing of “nature of the  
12 tactics” is as an implication that the allegations that Plaintiff had made in her  
13 motion were criminal, not civil, by nature, and that they therefore were not  
14 appropriate for a sanctions motion in a civil arbitration.  
15

16 111 Plaintiff alleges that although the arbitrator apparently ruled  
17 against her, the order seemed to take effort to intentionally validate many of  
18 Plaintiff’s underlying allegations.  
19

20 112 As one example, the following excerpt from the order could be  
21 interpreted to validate that when Google submitted the altered emails to the  
22 EEOC, they had reason to know those emails were altered. It could be  
23  
24  
25

26  
27 

---

<sup>1</sup> On May 3, 2019, the arbitrator noted “I have to admit my orders are never 100 percent clear. There’s usually  
28 always room for interpretation.”

1 interpreted as also purposely calling out Google's failure to candidly inform the  
2 EEOC of the questionable "anonymous source" of those emails.  
3

4 Spivak has retained copies of her original emails. This has made it possible to  
5 determine that the emails submitted in the EEOC investigation and in this arbitration  
6 indeed had portions missing. However, Spivak's contention that Google obtained these  
7 emails by monitoring her email accounts and that Google made the deletions is based  
8 solely on suspicions and suppositions. This is insufficient to support a finding that  
9 Skakkebaek did not receive the emails from an anonymous source (as he has declared  
under penalty of perjury), or that it was Google that made deletions before submitting  
them to the EEOC and this Arbitrator.

10 Spivak points out that Skakkebaek received copies of the same emails on two  
11 different days (February 12<sup>th</sup> and 13<sup>th</sup>, 2015), and that there were modest differences  
12 between the contents of some of the duplicate ones, i.e., portions that appear on one day  
13 were absent on the other. From this she argues that Google should have realized that the  
14 anonymous sender had made deletions and thus Google should have had doubts about the  
15 authenticity of what it received and not submitted them to the EEOC or to this Arbitrator.  
16 However, when submitting these emails, Google did not make any representations other  
than that they appeared to be authored by Spivak. As it does not appear that Google did  
anything other than submit the emails it received, the fact that Google should have been  
more suspicious does not mean that Google knowingly altered those emails.

17  
18 113 Plaintiff believes that the allegations validated between-the-  
19 lines in the above excerpt are likely sufficient to support an indictment against  
20 Google for obstruction of justice in the federal EEOC investigation. The  
21 distinction drawn in the last sentence may have been the logic used to deny  
22 sanctions, but it's not material to whether Google's actions were criminal.  
23

24 114 As another example, the order could be interpreted to validate  
25 Plaintiff's allegation that the Petition to Compel Arbitration that Google filed  
26 against her in 2015 was frivolous and brought to intimidate her. Plaintiff  
27 asked for Rule 11 sanctions against Google for filing that petition, and called  
28

1 the petition “frivolous, without evidentiary support, and vexatious.” In  
2 denying sanctions on that claim, the order says the following:  
3

4 In sum, Google had reason to believe that Spivak would file for arbitration in  
5 Kings County, Washington, and Google’s effort to prevent that filing was successful. It  
6 was an appropriate response to Spivak’s demand letter, and cannot be considered  
7 “frivolous, without evidentiary support and vexatious.”

8 115 What’s notable is that the thing that Google “had reason to  
9 believe” was fully consistent with Plaintiff complying with the arbitration  
10 agreement.<sup>2</sup> There would be no material difference if the sentence had instead  
11 said: “In sum, Google had reason to believe that Spivak was planning to file for  
12 arbitration in compliance with her arbitration agreement ...” That is  
13 significant because Google’s Petition to Compel Arbitration was based on an  
14 allegation that Plaintiff was refusing to comply with the arbitration  
15 agreement. The order notes the opposite – that Google knew that Plaintiff  
16 planned to file for arbitration in compliance with the agreement.  
17

18 116 One could interpret the denial of sanctions as being based on  
19 the following logic: Since Google’s goal was to try to intimidate Plaintiff and  
20 prevent her from filing for arbitration and pursuing her claims, Google’s filing  
21 of the petition was “appropriate” to that goal. Google had evidence and reason  
22  
23  
24  
25

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26  
27 <sup>2</sup> By JAMS policy, an employee filing for arbitration is to file with the JAMS location nearest to  
28 them (for Plaintiff that is King County, Washington). Venue is set later, by order of the arbitrator  
and after review of any applicable employment agreement. The location of filing has no effect.

1 to believe that Plaintiff would file for arbitration. Therefore, Google's lawsuit  
2 may have been frivolous and vexatious, but it wasn't all three of "frivolous,  
3 without evidentiary support, and vexatious" as Plaintiff had alleged.  
4

5 117 A third example where the order is open to interpretation  
6 involves Plaintiff's allegation that Google fabricated a paper trail to cover up  
7 retaliation. On September 24, 2014, Plaintiff's manager, Jens Skakkebaek,  
8 had sent out retaliatory emails about her. Plaintiff found out and complained  
9 on September 29, 2014. Plaintiff alleges that Employee Relations then told  
10 Skakkebaek to send out similarly-worded emails about others to cover up the  
11 retaliatory nature of the emails he had previously sent only about Plaintiff.  
12 Skakkebaek sent out a flurry of emails, all within minutes, early in the  
13 morning on September 30, 2014. When the EEOC asked Google if the  
14 September 24, 2014 email was retaliatory, Google denied it and gave the  
15 EEOC those September 30, 2014 emails. Plaintiff argued that Google had  
16 submitted a "fabricated paper trail" and requested sanctions on that basis.  
17  
18  
19

20 118 Sanctions were denied with the following explanation:  
21

22 Even if Spivak's suspicions about Google's monitoring of her emails were shown  
23 to be true, and even if what was learned by that monitoring became the motivation for  
24 Skakkebaek's September 30<sup>th</sup> emails, that does not mean those emails were "fabricated;"  
there is no dispute the emails in question were sent out by Skakkebaek, as represented by  
Google.

25 What Spivak is actually contending is that these September 30<sup>th</sup> emails should not  
26 have been given any evidentiary weight by the EEOC because of the allegedly improper  
27 motivation for Skakkebaek to include the "be honest" language. This is very different  
28 from claiming that Google "fabricated" those emails.

1           119    One could interpret the order’s reasoning as, again, validating  
2           Plaintiff’s allegations even as it denied sanctions. Generating evidence for the  
3           specific purpose of misleading the EEOC and then submitting that misleading  
4           evidence to support a false statement is obstruction, regardless of whether  
5           Plaintiff could have used the word “staged” instead of “fabricated” to describe  
6           it. One could interpret the denial of sanctions on the semantics of the word  
7           “fabricated” as an implied validation of the substance of the allegation.  
8

9  
10           120    The above are just a few examples of different ways that parts  
11           of the order on sanctions could be interpreted. Plaintiff believes that there is  
12           nothing wrong or disrespectful in not taking the arbitrator’s order at face value  
13           given that on May 3, 2019, the arbitrator stated “my orders are never 100%  
14           clear. There’s usually always room for interpretation.”  
15

16           121    Plaintiff believes that her motion for sanctions may have been  
17           denied, at least in part, for one or more of the following three reasons: (1)  
18           Plaintiff made multiple procedural mistakes in her motion that could later be  
19           used as a basis to challenge any sanctions award. (2) The arbitrator did not  
20           have jurisdiction, legal basis, or intent to rule on or grant sanctions for  
21           criminal allegations. (3) The arbitrator had already seen enough evidence to  
22           know both that Plaintiff wanted to win on the merits and that Plaintiff  
23           deserved to win on the merits, and so awarding sanctions that would likely  
24           have to be terminating sanctions would not be in the interests of justice.  
25  
26  
27  
28

1           122 Plaintiff believes that Google understood well before Plaintiff  
2 did that, despite appearances, Plaintiff had actually won on the sanctions  
3 motion, and that Google was now facing the possibility of some kind of  
4 criminal referral or future prosecution at the conclusion of the arbitration.  
5

6           123 Even before Plaintiff had raised these allegations, Google had  
7 already spent years attempting to discredit Plaintiff. Google was facing  
8 significant liability on the merits of her claims and Google also had a class-  
9 based animus against women who raised discrimination claims.<sup>3</sup> It was for  
10 these reasons that the stakes were high enough for Google to lie, mislead, and  
11 alter evidence in the first place.  
12

13           124 Plaintiff believes that the stakes skyrocketed after her  
14 sanctions motion because Google and their lawyers now faced the possibility of  
15 future criminal prosecution.  
16

17           125 Plaintiff believes that Google and Johnsrud became determined  
18 to extinguish the threat that she posed. They had to make her unavailable to  
19 testify as a witness. They schemed to find a way to have it be documented that  
20 Plaintiff had been legally insane and suffering from schizophrenia or some  
21 other previously undiagnosed psychiatric delusional disorder.  
22

23           126 The following point must be stressed to support the factual  
24 allegations that follow in this complaint: After Plaintiff's sanctions motion, it  
25  
26

---

27  
28 <sup>3</sup> This is a well-established allegation against Google. Note the November 2019 "Google Walkout."

1 was no longer just about defeating Plaintiff's discrimination claims or about  
2 public-relations damage control if Plaintiff made her allegations public. With  
3 the evidence Plaintiff had presented, and with the arbitrator, a respected  
4 retired judge, already tacitly confirming in his order that Google had  
5 committed obstruction of justice, Google's lawyers were facing personal  
6 criminal liability and the likelihood of eventual prosecution and conviction. As  
7 a trillion-dollar corporation, Google was facing significant possible financial  
8 and regulatory consequences.  
9  
10

11 127 If there was formal proof that Plaintiff was delusional, she  
12 could be subsequently challenged as a witness on the grounds that she was  
13 being called to testify about events that had happened at a time when she  
14 lacked capacity to understand reality.  
15  
16

17 January 2019: Google Conspires with Plusmail  
18 To Pay Plaintiff Off to Become Legally Insane  
19  
20

21 128 Prior to bringing her sanctions motion, Plaintiff had, for years,  
22 actively discussed her claims against Google with the Plusmail email group,  
23 via her Gmail account.  
24

25 129 While Plusmail was originally formed through an affiliation of  
26 students working a technical-support job, a significant number of group  
27 members had since found their way to legal careers. The top two contributors  
28

1 to the group, Bayern and Kayal, were respectively a law professor at Florida  
2 State University and a corporate attorney at Facebook.

3 130 In addition to discussing her claims with the group at large,  
4 Plaintiff had multiple private side conversations about her claims with Kayal,  
5 Bayern, and Russcol (another lawyer in the group).  
6

7 131 Google was well aware that Plaintiff had been discussing her  
8 legal claims with Kayal and others, and Google had reviewed and was in  
9 possession of many of those email conversations. Google had previously  
10 specifically requested that Plaintiff preserve her Plusmail emails.  
11

12 132 Kayal, as a Silicon Valley corporate lawyer, ran in the same  
13 circles as Google's lawyers, and would have many shared connections. He  
14 would also benefit professionally from helping Google defuse a potentially  
15 explosive situation.  
16

17 133 Plaintiff believes that after she brought her sanctions motion,  
18 Google's lawyers reached out to Kayal to have him help broker a deal where  
19 Plaintiff would receive a large payoff for formal legal proof of her insanity.  
20

21 134 Plaintiff believes, based on evidence and on being additionally  
22 informed, that as part of the deal, Kayal and others in the Plusmail group  
23 would receive a money-laundered bribe for their role in the conspiracy.  
24

25 135 Based on evidence and information, Plaintiff believes that the  
26 plan was something along the following lines: Plaintiff would first have to  
27  
28



1 became legally incapacitated and have a legal guardian named.<sup>4</sup> Google would  
2 then quickly settle with that legal guardian. Due to Plaintiff's legal incapacity  
3 at the time of settlement, the settlement funds would be placed in trust, with  
4 Bayern, Kayal and others as trustees. The management fee they would receive  
5 as trustees would serve as the laundered bribe they had been promised.  
6

7 136 Plaintiff believes that Kayal agreed to the plan and pulled  
8 Bayern and Russcol into the effort by early 2019. Plaintiff believes that others  
9 in the group, including Sherman and Cho, were pulled in by Spring 2019.  
10

11 137 Plaintiff does not specifically allege that all Plusmail  
12 participants in the conspiracy had malicious intent. Plaintiff believes that  
13 many of them may have been convinced that this deal was both a win and a  
14 windfall for Plaintiff. Plaintiff believes that Google told them that Plaintiff  
15 would be grateful for their help.  
16

17 138 By January 2019, Kayal began making insidious comments  
18 and taking small invalidating jabs at Plaintiff and her claims. Many of the  
19 invalidating statements that Kayal made directly contradicted the strongly  
20 validating statements he had made about Plaintiff's claims months earlier.  
21

22 139 For example, in advance of Plaintiff's motion in late 2018, and  
23 in regard to the altered evidence, Kayal said: "I'd be curious about their  
24 opposition to a lot of this. The tinfoil hat shit about anonymous forwards is  
25  
26

---

27 <sup>4</sup> The plan was to convince Plaintiff to first give Bayern or Russcol durable power of attorney  
28

1 amazing. Did they get Alex Jones to be their legal consultant?” He also said,  
2 “If they literally submitted that with that Message-ID: header, the arbitrator  
3 should throw the motherfucking book at them.”  
4

5 140 By mid 2019, Kayal had completely changed his tune, saying,  
6 about that same altered evidence, “What you’re talking about is maybe – did  
7 someone on Plusmail actually send that one email to Google, or was that via  
8 the tap. Either one is frankly plausible ....” He also said “I’m \*extremely\*  
9 skeptical of any claim that Google could care enough to do something illegal  
10 here, especially when they are in active litigation on what’s (to them) a  
11 mundane middle manager case.”  
12

13 141 Plaintiff noticed Kayal’s seeming “180 degree” turn and found  
14 it disturbing and disorientating. Plaintiff was too wary to confront him.  
15

16 142 Bayern seemed to be set on weakening Plaintiff’s confidence in  
17 the case in a more subtle and deceptive way. Bayern repeatedly offered  
18 “backhanded reassurances”<sup>5</sup> and overly-qualified statements that seeded doubt  
19 and fear and that were anything but reassuring. For example, when Plaintiff  
20 suggested that a point worked in her favor, Bayern rejected Plaintiff’s  
21 perspective and continued with the backhanded reassurance “that doesn’t on  
22 its own mean that you don’t have any shot in the rest of the arbitration.”  
23  
24

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25  
26 <sup>5</sup> As used in this complaint, a “backhanded reassurance” is a statement pretending to be “reassurance” that actually  
27 introduces fear and doubt. Bayern used this tactic frequently with Plaintiff, proactively offering faint reassurance  
28 that something awful (that Plaintiff had not even been worried about) wasn’t *necessarily* true. This is, in large part,  
how Bayern seeded and reinforced fear and ultimately led Plaintiff to believe she was the target of a murder plot.

The Gaslighting of 2019

143 As Kayal, Bayern, and others worked to disorient her, Plaintiff received other harassment that suggested that she was being watched and monitored. As part of this, Plaintiff received anonymous messages that referenced what her children were doing in the moment. Plaintiff interpreted those messages as threats against her children.

144 It was especially frightening because Plaintiff did not understand how it was happening or how far it could reach into her family's private seclusion. In hindsight Plaintiff came to understand some of it.

145 As one example, one day Plaintiff had an extended discussion about giving her children grapes and apples as a snack. Shortly afterward, Plaintiff received an anonymous message from someone claiming to be snacking on grapes and apples. Plaintiff now thinks that that likely happened through her refrigerator's integrated technology. Plaintiff's Samsung "Family Hub" refrigerator has a large interactive screen powered by Android (i.e. Google). It is also voice activated with an integrated microphone and multiple interior cameras. Plaintiff had been in front of the refrigerator sorting through grapes and apples when the "grapes and apples" conversation happened.

146 On another occasion, Plaintiff received an alert on her phone via the app Blind that repeated the phrase that had just been said on the cartoon that her children were watching on their Amazon Echo Show. Plaintiff

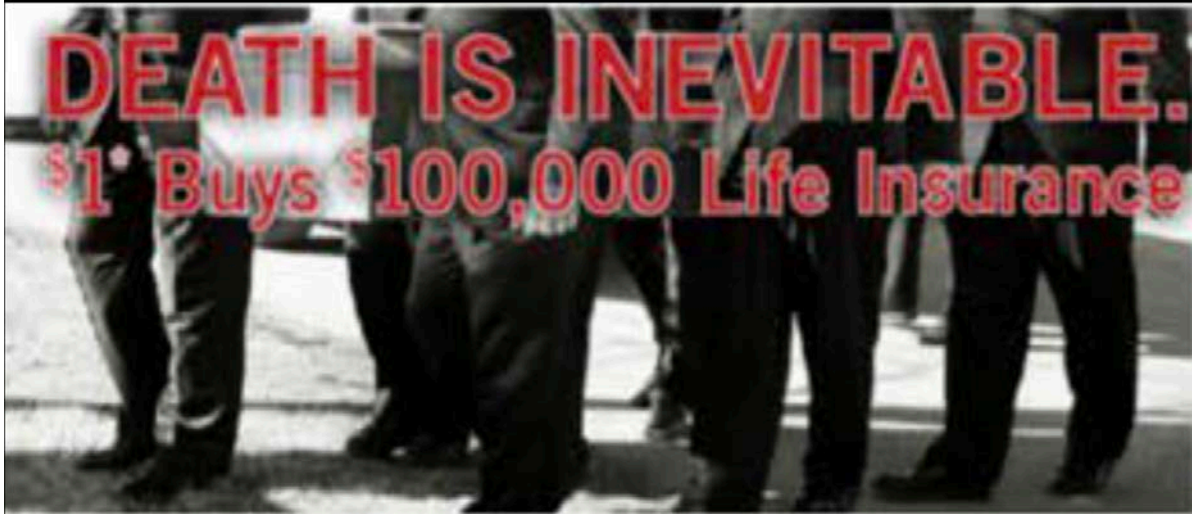
1 guesses that Google either had knowledge of what was playing on the device  
2 (either directly or by hacking Plaintiff's home network) or could hear what was  
3 being said through the microphone on some other device (Plaintiff's laptop, or  
4 maybe the smart refrigerator in the nearby room).  
5

6 147 On another occasion, as her children were watching "My Little  
7 Pony" on Netflix, Plaintiff received a My-Little-Pony-themed pornographic  
8 email that seemed specific to the episode her children were watching.  
9

10 148 On another occasion, Plaintiff purchased underwear online via  
11 her Chrome browser. Not long after that, she was flooded with demeaning  
12 pornographic messages that made reference to the specifics of her purchase.  
13

14 149 Plaintiff believes that, at one point, Bayern and Kayal tried to  
15 tell her that she needed to stop bringing her phone into the bathroom.

16 150 In addition to the "we know what your children are doing right  
17 now" sort of harassment, Plaintiff received many highly disturbing emails,  
18 some of which crossed the line from harassing to directly threatening. Plaintiff  
19 received a flood of explicit and degrading "porn spam" emails that used the  
20 name of her 6-year-old daughter. Plaintiff received the life insurance ad below  
21 and many others like it. The emails often contained no link to any actual  
22 business that sold life insurance.  
23  
24  
25  
26  
27  
28



151 Plaintiff is confident that these emails were intentionally sent to harass, intimidate, and disorient her.<sup>6</sup>

152 Plaintiff was not looking for “secret coded messages in her spam folder” as Kayal and others tried to allege. She also never believed that every email she received was about her Google case.

153 Instead, Plaintiff alleges that over the course of a contentious and hostile legal situation in which she had made credible accusations that the other side had engaged in criminal misconduct, Google sent Plaintiff harassing emails, loosely disguising them as spam or marketing messages.<sup>7</sup>

154 Plaintiff has substantial specific career experience in the data science behind digital advertising. She designed and invented analytics and

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<sup>6</sup> Plaintiff does not claim to be able to identify the source or intent of every email with 100% accuracy.

<sup>7</sup> Plaintiff notes that it would be very easy to discredit anyone as delusional if all you needed to do was show that they believed they were being harassed with anonymous “spam” emails. All you would have to do is actually harass them via anonymous “spam” emails. As a non-random example, you could send them an onslaught of graphic and demeaning pornographic emails using their 6-year-old daughter’s name.

1 targeting systems at multiple leading technology companies<sup>8</sup>. Plaintiff would  
2 be especially qualified to serve as an expert witness in some other case on how  
3 targeted advertising works and how different tracking and automation  
4 systems can make otherwise “innocuous” marketing seem incredibly creepy.  
5 The emails that Plaintiff received were not automated or innocuous.  
6

7           155 Plaintiff attempted to discuss some of the unusual or harassing  
8 emails that she was receiving with Plusmail but found the responses to her  
9 concerns disconcerting. Plaintiff sensed an over-eagerness from Kayal, Cho,  
10 and others to tell Plaintiff that she was delusional, as if they had been waiting  
11 for the opportunity.  
12

13           156 Plaintiff “sanity checked” her interpretation of these emails  
14 with multiple individuals who were not part of Plusmail. They agreed with  
15 Plaintiff’s interpretation that the emails seemed like intentional harassment.  
16

17           157 Plaintiff knew from her professional experience working on  
18 targeted marketing that these were not normal marketing emails. She could  
19 not imagine that Plusmail would genuinely think otherwise or be so  
20 immediately dismissive of the idea that Google could be harassing her in this  
21 way. The emails she was sharing were unusual at least, and certainly strange  
22 enough to be suspicious, even if Plaintiff was wrong about their origin or  
23 intent. Being wrong is not the same thing as being delusional.  
24  
25  
26

---

27  
28 <sup>8</sup> Specifically, at Google and Amazon. Additionally, Plaintiff’s work at Expedia was highly related.

1           158 Plaintiff could not understand why people she considered  
2 friends were responding to her in this way, in an abrupt turnaround from  
3 months and years of supportive engagement. She did not understand their  
4 motivations or goals. Plaintiff was afraid because she could not identify a  
5 reasonable explanation for the collective behavior of the Plusmail group.  
6

7           159 Conversations on Plusmail seemed to be increasingly baiting  
8 her to make paranoid-sounding accusations. Specific or unusual phrasing  
9 related to Plaintiff's legal case started appearing in unexpected or nonsensical  
10 ways in seemingly unrelated Plusmail conversations.  
11

12           160 Plaintiff purposely avoided acknowledging what they were  
13 doing or calling anyone out on it. She didn't understand it and was afraid to  
14 confront it. The more Plaintiff avoided "taking the bait," the more over-the-top  
15 the references became.  
16

17  
18           May 3, 2019: Plaintiff Considers Withdrawing from Arbitration  
19

20  
21           161 Plaintiff knew that her discrimination and retaliation claims  
22 were very strong and well-supported by evidence, but she was growing  
23 increasingly distressed and panicked by the threats and gaslighting.  
24

25           162 On May 3, 2019, during an arbitration call, Plaintiff made the  
26 following statements: "Your Honor, Google is threatening me. I don't know  
27 what else to say." Plaintiff also said "Every single –every – the intimidation  
28

1 and the threats, I don't know how to explain it. I can't survive this." She also  
2 said "I'm going to have to withdraw from arbitration. I can't. I can't."

3  
4 163 The arbitrator did not accept Plaintiff's request to withdraw,  
5 and instead encouraged her to stick with the case. The arbitrator said "I can  
6 tell you truly feel you have some very important claims here, and it's an  
7 important legal issue in terms of gender discrimination by a company such as  
8 Google. I encourage you to pursue those matters." The arbitrator also said,  
9 "I'm not accepting your representation that you want to withdraw."  
10

11 164 The arbitrator made repeated statements encouraging Plaintiff  
12 to stick with the case and see it through. The arbitrator ordered a stay so that  
13 Plaintiff could consider her options.  
14

15  
16 May 2019 – The Question of *Gonzalez v. Spivak*  
17

18  
19 165 On multiple occasions throughout 2018 and 2019, Law Firm  
20 Partner Ray Blessey sent Plaintiff emails, sometimes with attached settlement  
21 offers or discussions, that were purportedly intended for his client, Dr. Ryan  
22 Spivak, in regard to the case *Gonzalez v. Spivak*.  
23

24 166 Plaintiff alleges that regardless of anything else, it would be  
25 highly unusual and unexpected, and also a basis for lawyer discipline, for a  
26 partner in a law firm to repeatedly send privileged communications to the  
27 wrong email address, without ever realizing it.  
28



1           167 Plaintiff found the emails that Blessey sent her disconcerting.  
2 First, they were inherently odd, with preambles and context-setting that  
3 wouldn't have been necessary for ongoing communication between an attorney  
4 and client. Second, after reviewing the public record of the case, Plaintiff  
5 noted that the specific details of the case itself (a liposuction injury with a  
6 television personality as the expert medical witness and three years of no case  
7 progress) also seemed surreal. Third, the emails Plaintiff received seemed to  
8 discuss matters that paralleled Plaintiff's case. And, again, it made no sense  
9 that a law firm partner could repeatedly be so careless in sending privileged  
10 emails to the wrong person.  
11

12           168 Plaintiff alleges that Blessey agreed to help Google intimidate  
13 and gaslight Plaintiff in a plausibly deniable way and that Blessey did not  
14 send her those emails by accident.  
15

16           169 Plaintiff was distressed by *Gonzalez*. It involved at least four  
17 law firms and a judge. If the case was "fake" or somehow otherwise connected  
18 to her, it would mean that Plaintiff was in the middle of something much  
19 bigger than the arbitration of her gender discrimination claims.  
20

21           170 Plaintiff raised concerns about the case with Plusmail and in  
22 separate threads with Russcol and Bayern. Plaintiff felt that Russcol and  
23 others purposely implied that they knew something about the case that they  
24 weren't telling her.  
25  
26  
27  
28

1           171    On May 17, 2019, Plaintiff asked Russcol to tell her what was  
2 going on, saying, “I really need someone else to sanity check whether the thing  
3 seems fake<sup>9</sup>.” Russcol responded equivocally, “it seems quite plausibly real.”  
4

5           172    Plaintiff was incredibly distressed that people she trusted were  
6 using qualified and equivocal language in their communications and seemed to  
7 be intentionally refusing to give her clear answers to basic questions.  
8

9           173    As her distress increased, Plaintiff raised her concerns about  
10 *Gonzalez* in an email sent to both the arbitrator and Google’s attorneys.

11           174    On May 31, 2019, Plaintiff again begged Russcol for a normal  
12 answer that she wouldn’t have to parse. The fact that everyone was talking to  
13 her in riddles scared Plaintiff more than the case itself did and she tried to tell  
14 Russcol how distressed she was that no one was being direct with her. Plaintiff  
15 wanted assurances that she could trust and depend on her friends. Russcol  
16 was equivocal and evasive, telling Plaintiff, “I’m not convinced it’s a fake case.”  
17

18           175    The same day that Plaintiff discussed her concerns about  
19 *Gonzalez* privately with Russcol, she also shared them with the broader  
20 Plusmail group. The responses there were also strange, evasive, and equivocal.  
21

22           176    Instead of offering her own opinion on whether the case was  
23 real or otherwise responding normally, Sherman said the following: “the  
24

---

25  
26 <sup>9</sup> Plaintiff notes that when people are delusional, they don’t generally ask others to tell them what’s going on. To  
27 Plaintiff’s best understanding, a delusion is a fixed and bizarre belief that completely disregards evidence to the  
28 contrary. Plaintiff wasn’t telling people what was true – she was begging them to tell her what was true, and  
growing increasingly distressed as no one would give her a direct answer.

1 number of people who would need to have been paid off to fabricate an entirely  
2 imaginary case history here is extraordinary, and most of them have nothing  
3 whatsoever to gain from the outcome of your case. Some of them are public  
4 officials, so have a great deal to lose."

6 177 Sherman also said "We are, of course, talking about someone  
7 who is suing an already-disciplined surgeon for a liposuction injury in a case in  
8 which the defendant's expert witness is a Newport Beach plastic surgeon best  
9 known for his roles on E! television's series "Botched" and "The Real  
10 Housewives of Orange County." I mean, it would be hard to make this stuff  
11 up!"  
12

13 178 Plaintiff read Sherman's response several times to understand  
14 the meaning. Sherman's reference to "public officials" and the nuance in the  
15 change in tense made Plaintiff's thoughts and fears spiral. Was Sherman  
16 implying that Plaintiff had outed a corrupt judge who had a "lot to lose"  
17 because of Plaintiff? What was she saying?  
18

19 20 179 Plaintiff's terror became unbearable as her trusted friends  
21 talked to her in riddles and refused to provide straight answers to basic  
22 questions when she was already in a heightened state of alert because of the  
23 threats and relentless harassment.  
24

25 180 Plaintiff felt that Sherman's emails were some kind of wink  
26 that she could not understand. Plaintiff ached for a clear response that could  
27 not be interpreted in multiple competing ways.  
28

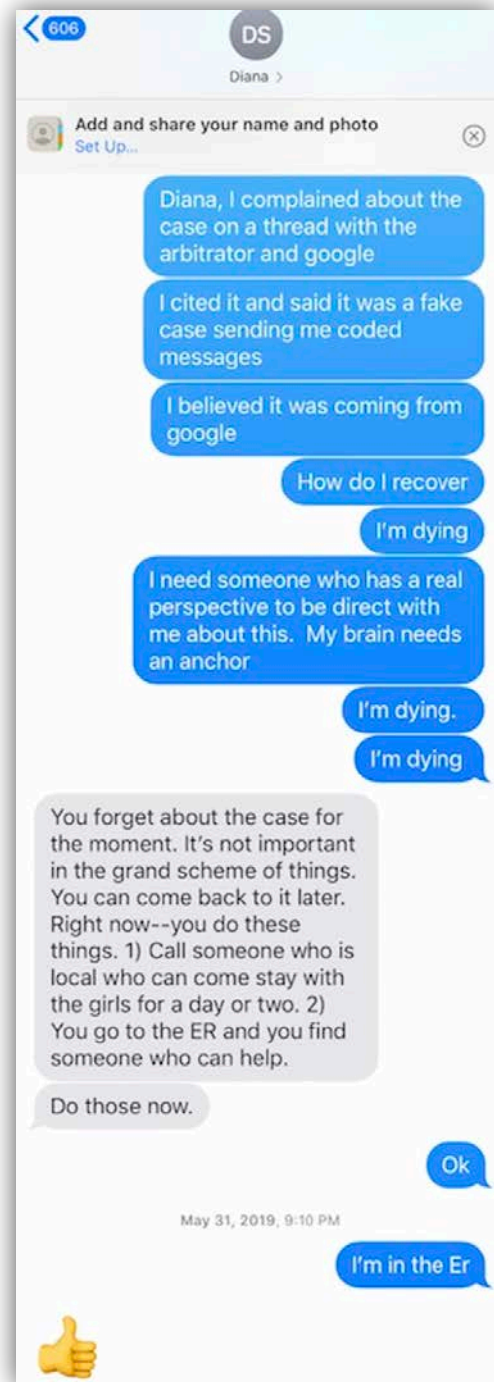
1           181    This pattern of receiving  
2    confusing responses from Plusmail to  
3    Plaintiff's requests for advice and support  
4    was unbearably disorienting and felt more  
5    ominous than anything about *Gonzalez*.

6           182    Later that evening, Plaintiff  
7    sent Sherman a text begging Sherman to be  
8    direct with her and trying to convey how  
9    frightened she was.

10           183   Thinking more about the  
11   implications she believed Sherman had  
12   made in mentioning "public officials"  
13   having a "lot to lose," Plaintiff wanted to  
14   know how she could recover from having  
15   made herself a target.

16           184   Sherman remained evasive.  
17   She instead insisted that Plaintiff forget  
18   about the case, drop everything, and get to  
19   the ER, "now."

20           185   With the context of other messages that Sherman and others  
21   had sent, Plaintiff interpreted that urgency as a confirmation that *Gonzalez*  
22   involved organized corruption, and that she needed to quickly discredit herself  
23  
24  
25  
26  
27  
28



1 to be safe. Plaintiff felt more afraid than she had ever felt before in her life  
2 and was genuinely worried that she might have a heart attack.

3  
4 186 Plaintiff arranged for childcare and went to the Emergency  
5 Room, as Sherman insisted.

6 187 If there was no conspiracy set on having Plaintiff declared as  
7 delusional, Sherman could have responded to Plaintiff's obvious panic in many  
8 other ways. Instead of evading Plaintiff's request for a direct answer and  
9 intentionally terrifying her that she needed emergency care, Sherman easily  
10 could have said something like "Calm down. I don't know if the case is fake or  
11 not, but I never meant to suggest you were in danger." Sherman could have  
12 made an effort to offer Plaintiff some kind of reassurance that she was safe.  
13  
14 Sherman did the opposite.  
15

16 188 When Plaintiff went to the Emergency Room, she was very  
17 afraid about the range of possible implications of having complained to Google  
18 and the arbitrator about *Gonzalez*, and the fact that she was losing any kind of  
19 sense of who the "bad guys" were. Plaintiff's blood pressure was dangerously  
20 high and was itself a basis for hospitalization.  
21

22 189 Based on her best understanding of what Sherman and Russcol  
23 had told her she needed to do, Plaintiff asked to be admitted to psychiatric  
24 hospitalization. Plaintiff knew she was not suffering from psychosis and had  
25 not had any kind of psychotic break. She was trying to do what people she  
26 trusted told her she needed to do to be safe.  
27  
28

1           190 Plaintiff was afraid and panicking because people she trusted  
2 had purposely terrified her and told her that she needed to go to the  
3 emergency room. She assumed that she was being told that a hospital stay  
4 could undo whatever damage she had done with her recent comments.  
5

6           191 Plaintiff now believes that some of those involved in scaring  
7 her and convincing her to go to the hospital assumed that she understood that  
8 she needed to receive a (false) delusional diagnosis. Plaintiff did not  
9 understand that. She certainly didn't understand that she was expected to  
10 cooperate in generating a paper trail so that she could be disqualified from  
11 testifying in future criminal prosecutions against Google. She thought she was  
12 in the hospital to protect herself from an immediate threat to her life.  
13  
14

15           192 Plaintiff did not take antipsychotics or demonstrate psychosis  
16 while in the hospital. An internal medicine doctor was assigned to treat her  
17 hypertension. Plaintiff was discharged once her blood pressure had stabilized.  
18

19           193 Plaintiff was discharged with a prescription for high blood  
20 pressure, and without any psychiatric diagnosis. Plaintiff's discharge papers  
21 explicitly asserted that it was highly unlikely that she had any kind of  
22 bipolar/schizoaffective/delusional disorder, and that her admission may have  
23 been stress related.  
24

25           194 Plaintiff's discharge papers also noted that over her five-day  
26 stay, Plaintiff showed no signs of alcohol withdrawal. Plaintiff's labwork  
27 showed no evidence of substance abuse or alcoholism or related vitamin  
28

1 deficiencies. In short, Plaintiff was discharged from psychiatric hospitalization  
2 with an endorsement that she did not have a psychiatric illness and that she  
3 was not physically dependent on alcohol or any other substance.  
4

5  
6  
7 July 2019: Bayern Convinces Plaintiff to Abandon Her Case  
8

9 195 To some extent, Plaintiff assumed that because she had spent  
10 five days in psychiatric hospitalization, she had done damage control for  
11 having raised concerns about *Gonzalez*.  
12

13 196 Despite this, Plaintiff was still actively terrified from the  
14 harassment and gaslighting, which continued to escalate.  
15

16 197 In July 2019, Bayern proactively initiated direct chats with  
17 Plaintiff, encouraging her to install the app Signal so that their chats would be  
18 encrypted. He told Plaintiff that she was suffering poor mental health and  
19 urged her to abandon her case by requesting an “indefinite stay.” Plaintiff  
20 pushed back on Bayern. She didn’t want a stay as she didn’t want to drag the  
21 arbitration out any further. Plaintiff felt she needed resolution and validation  
22 of her claims and she wanted to see the case through to verdict. She had spent  
23 nearly five years of her life in that pursuit.  
24

25 198 Bayern was insistent, and talked cryptically, implying that  
26 there was something Plaintiff didn’t understand. Plaintiff tried to understand  
27  
28

1 what Bayern was trying to tell her and was frustrated that she couldn't get  
2 him to speak plainly and clearly, without qualified, riddling language.

3  
4 199 Bayern pushed Plaintiff to discredit her prior accusations  
5 against Google in her motion, and to imply that she didn't have the evidence to  
6 support those accusations. Plaintiff pushed back that she did have proof for  
7 her allegations. Nevertheless, Bayern pushed her to add specific language to  
8 her "indefinite stay" motion (which was his idea in the first place).  
9

- 10  
11 • Along lines like: "I have of course raised several significant ways that Google has tried to  
12 intimidate me and deal harshly with me in this case. Whether or not those can be proved as a  
13 matter of legal procedure is beside the point; medically what's important is the stress they have  
14 caused me and that needs to be treated before I can properly continue the case."

15 JUL 16 5:24 PM

16  
17 200 Plaintiff repeatedly told Bayern that she was fighting her case  
18 on principle, that she didn't want to settle, and that she wanted to make it to  
19 verdict and win – even if she won a small fraction of what she could have  
20 otherwise settled for.

21  
22 201 When Bayern continued to push Plaintiff to abandon her case  
23 and to tell the arbitrator that she was suicidal, Plaintiff's fears and concerns  
24 about a bigger plot resurfaced. Bayern made it clear that he knew something  
25 that he could not tell her.

26  
27 202 Bayern repeatedly and specifically pressured Plaintiff to  
28 establish "formal proof" that she was incompetent.



- it's not fair that i have to drag this out

JUL 17 7:47 AM

- I agree. I completely empathize with that feeling of impatience.

JUL 17 7:48 AM

- is the idea that I will be declared incompetent

JUL 17 7:48 AM

- As you know, the law just cares about the procedures, etc. Formal proof, etc.

JUL 17 7:48 AM

203 Bayern's response that "the law just cares about the procedures, etc. Formal proof, etc." is not consistent with any kind of genuine concern that Plaintiff was actually delusional and in need of treatment. It is fully consistent with the idea that this was about disqualifying Plaintiff as a witness or otherwise generating documentation for some legal purpose.

204 While in retrospect it may seem obvious, Plaintiff did not understand what was going on and couldn't see the conspiracy at the time.

205 Like many scientists, Plaintiff is direct and fact-based by nature. During this time, she was living in a heightened state of fear, perpetuated by the threats and intrusions into her personal life, by the surreal absurdity and evasiveness happening on Plusmail, and by Bayern's doublespeak. Plaintiff had relied on this group of friends for camaraderie for twenty years. They wouldn't cause her this much distress if they had a choice.

1 Plaintiff concluded that the only logical and justifiable explanation for their  
2 behavior was that Plusmail was trying to protect her life.

3  
4 206 Throughout July 2019, Bayern continued seeding Plaintiff's  
5 fears, for example, repeatedly cryptically telling Plaintiff that he would be  
6 really afraid if he was in Plaintiff's shoes. Bayern's sympathetic validation  
7 that Plaintiff's fear was justified coupled with his refusal to say why the fear  
8 was justified fed Plaintiff's escalating terror.

9  
10 207 Even as she realized that talking to Bayern made her more  
11 afraid, Plaintiff attributed altruistic motives to Bayern's actions. She believed  
12 he was trying to protect her. They were good friends. She rationalized that if  
13 he was talking cryptically it was because he was somehow constrained.

14  
15 208 Bayern repeatedly planted the idea that the arbitrator was  
16 corrupt and that it was the arbitrator, and not Google, who posed the threat to  
17 Plaintiff. Bayern planted the idea that Google's lawyers were trying to help  
18 her get out of a corrupt situation and that the arbitrator was trying to keep  
19 Plaintiff in the arbitration out of greed and self-interest.<sup>10</sup> Google brought a  
20 Motion to Dismiss for Failure to Prosecute that made similar implications.  
21  
22  
23  
24  
25  
26

---

27 <sup>10</sup> Plaintiff does not believe this and does not allege this. Plaintiff believes Google needed to make Plaintiff afraid  
28 of the arbitrator because the arbitrator wasn't afraid of Google.

July 20, 2019 Plaintiff Causes Dismissal of Her Case  
and Gaslighting Continues

209 On July 19, 2019, the arbitrator granted Plaintiff a ninety-day stay to give her time to decide whether she wanted to continue with her case.

210 Plaintiff was still terrified for her life and she was paralyzed by that fear and by unbearable disorientation. For a short period of time, Bayern and Johnsrud managed to convince Plaintiff that it was the arbitrator who was threatening her and who wanted to hurt her. They convinced Plaintiff that she had been wrong about the source of the corruption and that Google's lawyers were the heroes trying to help her.

211 On July 20, 2019, the day after she had been granted a ninety-day stay, Plaintiff requested that her case be dismissed with prejudice.

212 When Plaintiff told Bayern that she had requested that her case be dismissed with prejudice, Bayern was congratulatory. He told Plaintiff he was happy for her and now all she needed to do was go get a delusional diagnosis and prescription for antipsychotics.

213 At the time that Bayern congratulated Plaintiff, she could have retracted her request, as the arbitrator had not yet ordered the dismissal.

214 Even if Bayern had truly believed that Plaintiff was delusional, it would not make sense for him to support Plaintiff dropping her case.

Plaintiff had been fighting the case for nearly 5 years and had spent more than

1 \$300,000 out-of-pocket on legal fees. She had just been given a ninety-day stay.  
2 She had also recently received a settlement offer from Google (that appeared to  
3 be worth \$100,000<sup>11</sup>) that she likely could have still accepted.  
4

5 215 In the days after Plaintiff dropped her case, Bayern continued  
6 to scare Plaintiff as he pressured Plaintiff to give him durable power of  
7 attorney and then reenter psychiatric hospitalization. Bayern continued  
8 making cryptic references to threats against Plaintiff's life.  
9

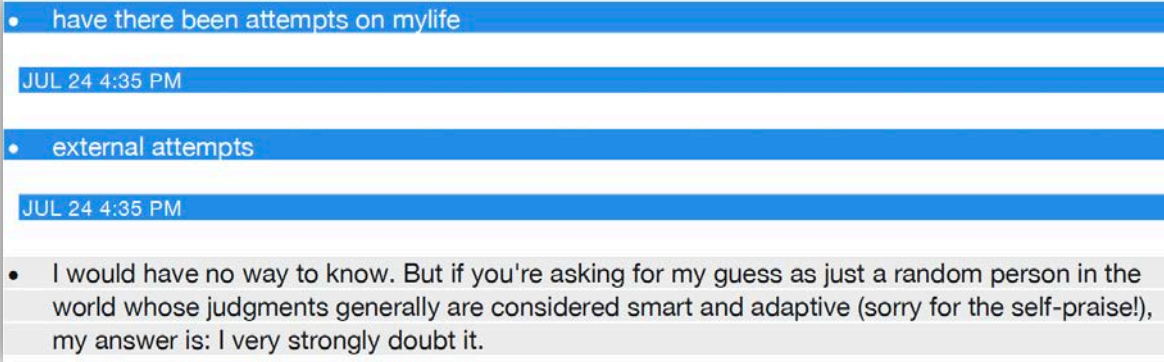
10 216 Because of the gaslighting and threats over the prior seven  
11 months, and because of the new things that Bayern was implying, Plaintiff  
12 genuinely believed that there were active threats against her life and that she  
13 was in danger of immediate harm. Plaintiff had come to depend on Bayern,  
14 and she looked to him for guidance on how to stay safe.  
15

16 217 Whenever Plaintiff asked Bayern about specific threats, he  
17 responded with disconcerting ambiguity. For example, Bayern often qualified  
18 his statements with words like "usually" or "ordinarily" in a way that could be  
19 interpreted as either suggestive of the rule or the exception to the rule.  
20

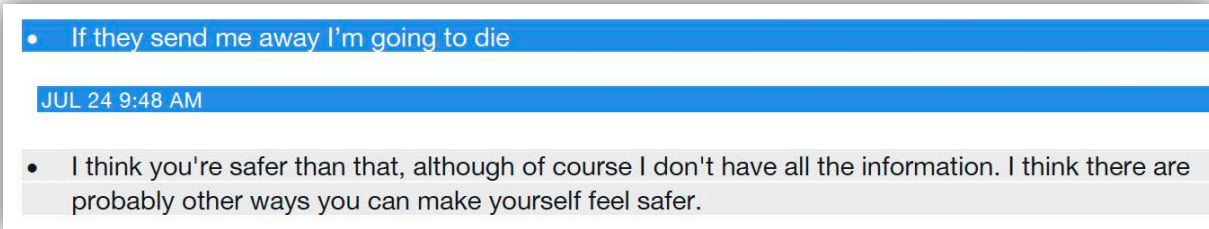
21 218 The following is one example where Bayern purposely scared  
22 Plaintiff with gratuitous, unnecessary, and strange qualifiers. He could have  
23 answered with just the last sentence and further reassurance.  
24  
25

---

26  
27 <sup>11</sup> Plaintiff now knows that Google was expecting her to understand that they were actually offering her \$100  
28 million. She did not understand that at the time.



219 The following is another example. At the time, Plaintiff was at the Seattle FBI Field Office, panicked, because Bayern had convinced her that there was an imminent threat to her life. Plaintiff was afraid to leave the FBI building. Bayern's response is another example of his use of unnecessary qualifiers and faint reassurances that served to terrify Plaintiff.<sup>12</sup>



220 Bayern told Plaintiff that she needed a seven-day inpatient hospital stay, and that she should plan to be discharged with a prescription for antipsychotics. He did not encourage therapy. Bayern also repeatedly tried to

---

<sup>12</sup> Because of Bayern's response, as Plaintiff eventually walked out of the FBI building, she believed she was seconds away from being shot. Plaintiff identifies this event as the single most traumatic moment in her life. She has recurrent flashbacks and nightmares related to it, and those fueled many of the aggressive emails she subsequently sent Bayern.

1 induce Plaintiff to give him power of attorney over her estate by proactively  
 2 offering to help her with paperwork that would have required it.  
 3

- I do think a hospital is probably the easiest and safest choice, rather than finding a specific appointment time, etc.

JUL 21 12:05 PM

- Being in a hospital doesn't trigger a competence hearing. You'll have time to sort out any legal affairs, etc.

JUL 21 12:06 PM

- Again, if there are deadlines with Amazon, I can try to help with that as much as they'll let me. You might need to tell them that I'm authorized to file the paperwork, etc.

221 Plaintiff kept trying to get Bayern to tell her what was going  
 13 on, but he kept scaring her and pushing her into a psychiatric diagnosis.  
 14

- would I be safer if it turned out that I was delusional after all

JUL 24 5:07 PM

- or would I be safer if it was documented that I wasn

JUL 24 5:07 PM

- Maybe just reach a state where you think "Okay, I've worked this out" and then move onto completely unrelated things. You could say "My life's in danger. Nothing I can do - life is always a risk. Let's play with my kids."

JUL 24 5:07 PM

- As to your question, I would just hope that you can find a psychiatrist who can give you effective treatment, whatever the truth is.

JUL 24 5:08 PM

- Hypothetically, why would being delusional be such a bad thing if it can be treated? It would be a medical issues like any other.

JUL 24 5:09 PM

222 The chat history shows that Bayern did not actually believe that Plaintiff was delusional.

- I mean, say hypothetically you are delusional. Why not just treat that as a problem to solve? Nobody would blame you for it, particularly if it was partly or completely induced by adversaries.

JUL 24 5:12 PM

- Or say, again hypothetically, you have a condition that isn't literally "delusional" but can be treated by a psychiatrist who classifies it that way because our procedures and technology are imperfect?

JUL 24 5:13 PM

- In either case, getting treatment would be the best option.

JUL 24 5:13 PM

223 Plaintiff believes that on one or more occasions, as it seemed that purposely terrifying Plaintiff wasn't producing the results Bayern wanted, Bayern tried to switch tactics and tell Plaintiff that she would receive a large payout if she went along with the plan to be diagnosed as delusional. For example, at one point Bayern told Plaintiff "If treatment is successful you can do whatever you want ... "

224 On July 28, 2019, as Plaintiff still wasn't cooperating with the pressure to pursue a delusional diagnosis, Bayern finally admitted, in a way that Plaintiff could finally understand, that the gaslighting had been about driving a settlement.<sup>13</sup>

---

<sup>13</sup> Even though Plaintiff's case in arbitration had been dismissed, Plaintiff had options to appeal or bring other claims, including the ones in this complaint.



225 Plaintiff was furious. The gaslighting had been acutely traumatic and she had desperately begged for it to stop, telling Bayern and others that what they were doing was killing her. They had made her believe she was going to be murdered and that her children would be brutalized.

226 Plaintiff suffered and continues to suffer from many symptoms  
of Post-Traumatic Stress Disorder (PTSD).

227 As a way to try to document the acute fear and disorientation  
that she felt, Plaintiff assembled this collage containing the actual chats and  
messages she sent while begging the people she trusted to stop gaslighting her.





1  
2           228    In the months subsequent to Plaintiff learning that it was all a  
3 manipulation, Plaintiff sent Bayern many angry emails, telling him of the  
4 PTSD flashbacks she suffered because of what he did. With nowhere to flee,  
5 Plaintiff often had to visualize “fight” just to breathe. Bayern had been the one  
6 terrifying her and making her believe that her own murder was imminent. He  
7 did it at the same time that he had Plaintiff convinced that he was the one  
8 guiding her and the only one keeping her safe.  
9

10  
11           October 2019: The Bar Complaint and the Injunction against Stalking  
12

13  
14           229    In or before October 2019, Plaintiff let it be known that she  
15 would be filing a bar complaint against Kayal and potentially pursuing civil  
16 remedies against Kayal and Bayern for what they had done.  
17

18           230    On October 10, 2019, Russcol sent Plaintiff a thinly veiled  
19 threat, suggesting that if she did anything to hurt their reputations, they  
20 would get a restraining order against her based on the emails she had sent  
21 Bayern the month prior. Russcol admitted that he knew that Plaintiff’s emails  
22 did not actually contain credible threats.  
23

24           231    Plaintiff told Russcol that she was glad that they knew that  
25 she had no intention to physically hurt anyone and noted that Russcol was the  
26 one threatening her.  
27  
28

1           232   Despite the threat from Russcol, Plaintiff filed the planned bar  
2 complaint implicating Bayern and Kayal.

3           233   A few days after Plaintiff filed the bar complaint, Bayern  
4 followed through on the threat and filed for an emergency Injunction Against  
5 Stalking, based on emails sent to him by Plaintiff (nearly a month earlier, and  
6 from 3,000 miles away) that, as Russcol had already acknowledged, contained  
7 no credible threats.  
8

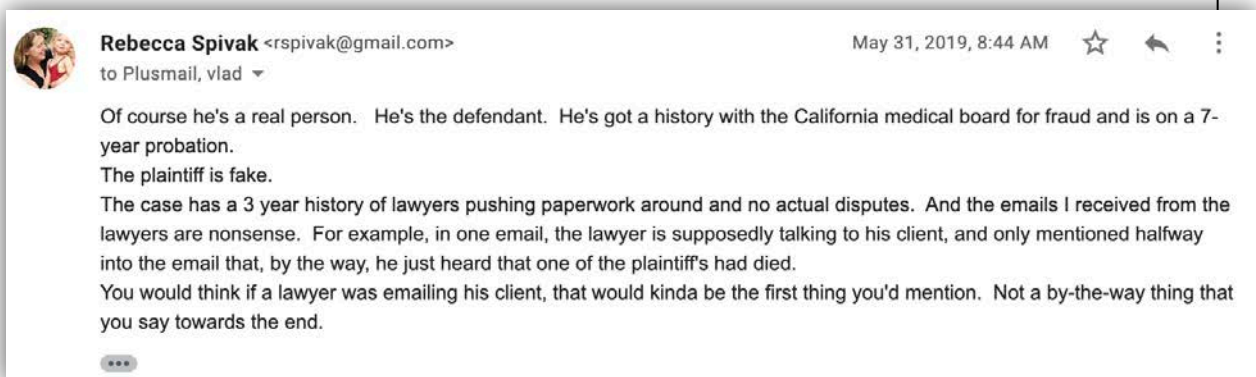
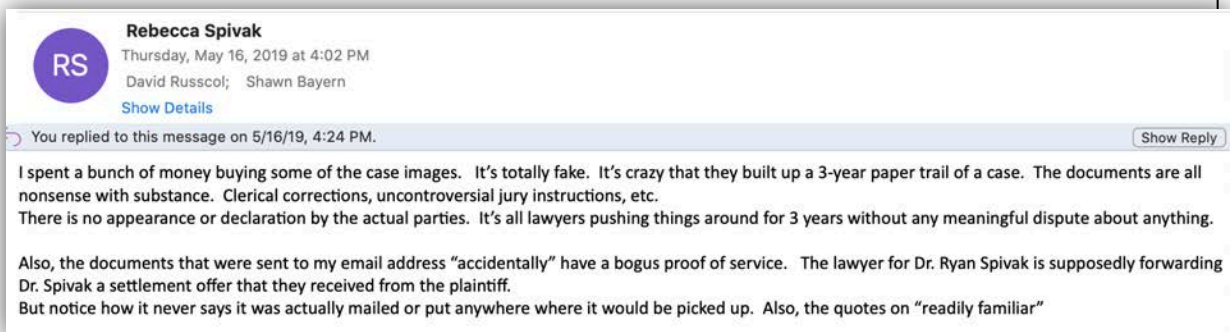
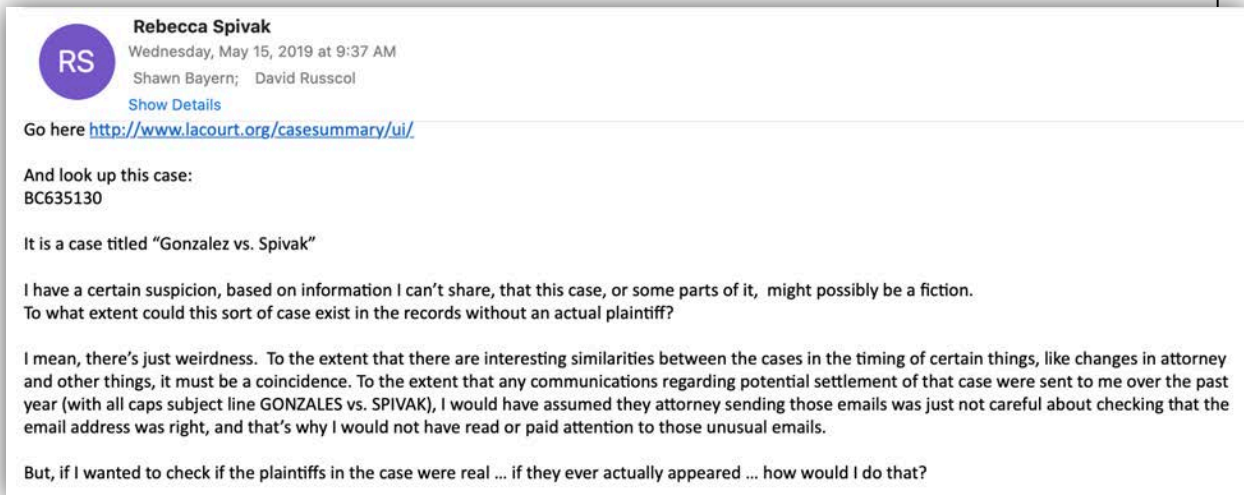
9  
10  
11                   Bayern Lies in His Declaration About Plaintiff's  
12                   Reasoning to Make Her Sound Delusional  
13

14  
15           234   Bayern's declaration in support of the injunction seemed intent  
16 on presenting Plaintiff as delusional. It also contained false and misleading  
17 statements.  
18

19           235   For example, in his declaration, Bayern wrote "she repeatedly  
20 expressed the belief that an unrelated legal case involving an unrelated party  
21 named Spivak was 'fake' and designed to fool her because she believed dates  
22 and numbers in that case corresponded to dates and numbers that were  
23 significant to her."  
24

25           236   Bayern knew that Plaintiff was actually concerned about  
26 *Gonzalez* because Blessey kept "accidentally" emailing her, and because the  
27  
28

emails were highly unusual, as was the underlying case itself. Bayern knew because Plaintiff had previously explained these things to him and others with supporting evidence and solid reasoning for her suspicions.



1  
2           237   Whether or not Plaintiff's suspicions were correct, Bayern  
3 knew that Plaintiff's suspicions about the case were rational and supported by  
4 evidence, and not because of "dates and numbers that were significant to her."

5           238   Plaintiff continues to believe that many aspects of *Gonzalez*  
6 seem highly unusual, improper, and not likely legitimate. Plaintiff's belief is  
7 not based on dates and numbers that are significant to her. Plaintiff believes  
8 that as a legal professional, Bayern could look at the case docket and come to  
9 that same conclusion.  
10

11  
12  
13   Bayern Lied in His Declaration About Plaintiff's Support Network  
14  
15

16           239   On July 21, 2019, as part of their chats, Bayern told Plaintiff  
17 that he was jealous of her support network. Specifically, Bayern said "I'm  
18 almost envious :) - I don't think I'd have that sort of network to support me  
19 locally."  
20

21           240   On July 22, 2019, as dozens of Plaintiff's local friends rallied to  
22 support her, Bayern told Plaintiff, "I'm very glad to see how many friends you  
23 have who care about you in Seattle."  
24

25           241   On July 23, 2019, Bayern told Plaintiff "many people on  
26 plusmail are your friends!" and "I was glad to see you had such a good local  
27 group of friends"  
28

1           242    As part of his declaration, in justifying why he personally spent  
2           so much time talking to Plaintiff, Bayern said “Rebecca did not, and does not,  
3           appear to have other significant social or familial support.”  
4

5           243    Bayern’s statement “Rebecca did not, and does not, appear to  
6           have other significant social or familial support” directly contradicted many of  
7           his stated observations and assertions regarding his perceptions of Plaintiff’s  
8           support network for the relevant time period.  
9

10  
11                   Bayern Lied in His Declaration about His Relationship with Plaintiff  
12

13  
14  
15           244    In the years prior to July 2019, Bayern and Plaintiff had spent  
16           countless hours in private chats discussing all sorts of personal matters.

17           245    In one-on-one private chats, Bayern shared with Plaintiff many  
18           highly personal details of his life, including dating, sex, friendships, and  
19           Bayern’s personal insecurities.  
20

21           246    Over the years, Bayern and Plaintiff had many long private  
22           conversations on all sorts of topics that were indicative of close friendship.  
23

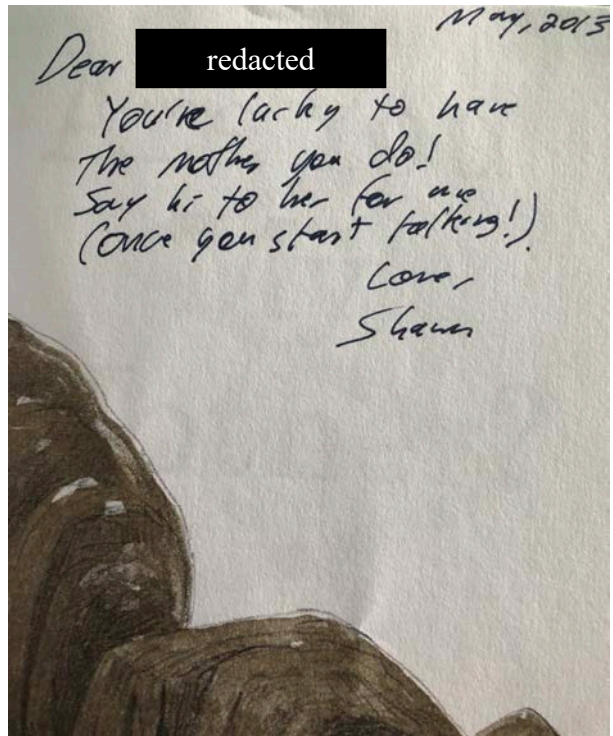
24           247    In one conversation, Bayern specifically appealed to his “close  
25           friendship” with Plaintiff to justify why he was spending so much time  
26           obsessing to her about an interpersonal issue.  
27  
28

me: shawn, you have just spent 20 minutes talking to me about this and I BET or I'm pretty confident that you've done the same with another half dozen people  
 bayern@gmail.com: actually, no, not this time i did ask the general questions (the other day) of a few other people, but i'm not talking to anyone else today about why is 20 minutes too much time?  
 i mean, for you it is, so sorry :)  
 me: no that's not the point it's 20 minutes of obsessing on something hat you've been obsessing on for days  
 bayern@gmail.com: that's not normal for a close friendship?

248 On November 4, 2014, Plaintiff had asked Bayern to be executor of her will, as he had previously offered. Bayern agreed and was so named.

249 In past years, Bayern and Plaintiff spent many hours talking about Bayern's wardrobe, with Bayern specifically seeking Plaintiff's advice. Plaintiff gave Bayern shopping tips and bought him sweaters as gifts.

250 After Plaintiff's daughter was born, Bayern visited Plaintiff and gave Plaintiff's daughter a signed book in which he inscribed "You're lucky to have the mother you do! Say hi to her for me (once you start talking!). Love, Shawn."



1           251    As part of his declaration, Bayern described Plaintiff as merely  
2           an acquaintance and also made the specific statement “Rebecca and I were not  
3           close friends.”  
4

5           252    Bayern’s statement about his historical relationship with  
6           Plaintiff as an “acquaintance” was misleading, and Bayern’s statement that  
7           they “were not close friends” was false. Bayern and Plaintiff had countless  
8           hours of private and highly personal chats. Bayern had given Plaintiff’s  
9           daughter a book that he signed with “Love, Shawn.” He had been named as  
10          executor of Plaintiff’s will. He had specifically referred to their friendship as  
11          “close friendship.”  
12  
13  
14

15                               November 2019: Plaintiff is Convinced to

16                               Fly to Tallahassee for the Hearing  
17  
18

19          253    After the temporary emergency injunction was granted, a  
20          hearing was scheduled in Tallahassee to determine whether the injunction  
21          would be made permanent. Plaintiff originally had no plans to make an  
22          appearance at the hearing in Tallahassee.  
23

24          254    Over the summer, Plaintiff had been contacted by a man  
25          named Luke Adams, who was purportedly in sales, but who Plaintiff quickly  
26          assumed and understood was working for Google.  
27  
28



1           255   Adams eventually told Plaintiff that he ran a company called  
2   iBond Consulting and that he was a high-stakes negotiator.

3           256   Over the course of multiple months, often during business  
4   hours, Adams spent many hours on the phone talking with Plaintiff about her  
5   thoughts and plans regarding her Google case.

6           257   Adams canceled and rescheduled his work meetings to have  
7   social conversations with Plaintiff. The conversations between Plaintiff and  
8   Adams focused almost exclusively on Plaintiff's case and claims and on  
9   Plaintiff's resentment of the gaslighting.

10          258   Plaintiff understood that Adams was an agent of Google, but  
11   she liked talking to him because he didn't pretend that the gaslighting hadn't  
12   happened and he didn't talk to Plaintiff in riddles.

13          259   At one point, in regard to Bayern, Adams told Plaintiff "you'd  
14   think if someone was going to try to pull off this sort of plan, they'd tell you  
15   about it rather than trick you into it, right? So ... look. Shawn thought he *did*  
16   tell you. He claims he thought he told you."

17          260   Adams also told Plaintiff that Google needed her to be a  
18   "Nutter and a Stalker and a Criminal."

19          261   Adams told Plaintiff that she should consider going along with  
20   that idea long enough for it to make it to settlement. Adams told Plaintiff that  
21   every time it seemed that she was starting to go along with it, she sabotaged it  
22   and didn't see the process through long enough for it to work.



1           262   Plaintiff told Adams that after all the gaslighting and  
2 manipulation, she cared most about getting answers and psychological peace.

3           263   Adams encouraged Plaintiff to go to Tallahassee for the  
4 hearing. “Maybe nothing will happen. But maybe this whole injunction is  
5 about getting you down there so that this can settle in person. Maybe you will  
6 get all your answers and the peace you are looking for. You have nothing to  
7 lose. Don’t waste this opportunity at what might be waiting for you.”  
8

9           264   Plaintiff allowed Adams to convince her to go to Tallahassee  
10 because Adams told her that going might get her answers and closure.  
11

12  
13  
14           November 6, 2019: Plaintiff is Arrested in Tallahassee  
15

16  
17           265   Through the backchannel, Plaintiff had been told that Bayern  
18 would meet her in a park near her hotel and tell her everything. Plaintiff was  
19 wary, but still blinded by a hope for answers and closure.  
20

21           266   Plaintiff went to the park and waited. No one showed up.

22           267   Over the course of the next couple of hours, Plaintiff was  
23 convinced (via the backchannel) to run around to various places. Plaintiff was  
24 played and worn down. She had wanted so much to believe that she’d get  
25 answers and peace that she pushed aside the obvious fact that they were just  
26 playing her. No one ever met her.  
27  
28

1           268    After Plaintiff had spent hours being manipulated into  
2           thinking someone would meet her, Google, through the backchannel, pushed  
3           Plaintiff to call Bayern or send him a text message.  
4

5           269    Plaintiff came to realize that she had been tricked into taking  
6           the trip so she could violate the injunction locally and be arrested.  
7

8           270    At that point, Google and Bayern had destroyed whatever hope  
9           or resilience Plaintiff had left. Without seeing any other escape from the  
10          relentless harassment and ongoing threats, Plaintiff decided to surrender and  
11          give Google what they wanted. As Adams had told Plaintiff, she needed to be  
12          “a Nutter, a Stalker, and a Criminal.”  
13

14          271    Plaintiff believed that sending Bayern a text and having him  
15          have her arrested for that text could provide the proof that Google and Bayern  
16          needed to establish that she was delusional.  
17

18          272    Plaintiff sent Bayern a text telling him she was sorry for the  
19          emails she had sent him. She added multiple gratuitous statements asserting  
20          psychosis. It was an attempt at a complete surrender.  
21

22          273    There was nothing threatening or aggressive in the text  
23          message that Plaintiff sent Bayern. The text message was intentionally self-  
24          incriminating in an over-the-top way.  
25  
26  
27  
28

Shawn, I don't want to cause you any distress. I wish we could talk before the hearing tomorrow. I was drunk when I sent those emails and I never intended for you to take them as threats. I just wanted to express the pain I was feeling, and had no impulse control because I was drunk. I would never do any of those things and I'm sorry I sent those emails. I was drunk and hurting from 3000 miles away. Anyway I hope you take this email as intended and not as any kind of harassment. I really wish we could talk.

I've been diagnosed by my doctor with alcoholism and alcohol-induced psychotic disorder with delusions. I'm on medical leave from work and have started substance abuse treatment. My doctor says she believes I'm not a threat and that I would never have acted on the things I wrote about. I could show you that paperwork. I have it with me. I just want you to know that I really don't want to hurt or scare you, and I'm getting treatment. My only goal in sending you these messages is to try to make amends in done way or make you feel less afraid of me. I need help, and I'm getting it.

Anyway, there's a 5:00 am flight back to Seattle and I think I'm going to take it. If you want the injunction to be permanent, I won't contest it. I just wanted to show you that even my doctor doesn't think I'd act on any of it in case that helped you feel less afraid. But maybe the best thing for me to do is to just go back home and not fight the injunction. I wish you well and will probably spare you the pain of having to see me tomorrow.

274 Plaintiff sent the text under duress, and while despondent, after an incessantly brutal campaign of gaslighting, harassment, and psychological manipulation. In the moment, Plaintiff felt that purposely getting arrested and giving herself a criminal record, as Google wanted, was her only chance at safety.

275 After sending Bayern the text, Plaintiff sat on the ground in the park and waited to be arrested. No one came to arrest Plaintiff in the park.

1           276 Plaintiff returned to her hotel room. Shortly after that, the  
2 front desk called to tell her that a deputy was there for her. When the deputy  
3 arrived at Plaintiff's hotel room, Plaintiff waived her Miranda rights and  
4 proactively confessed to sending Bayern a text, explaining to the deputy that  
5 she needed to be arrested for her own safety. Plaintiff was arrested and taken  
6 to the Leon County Detention Center.  
7

8           277 While Plaintiff had a surreal expectation that she would  
9 probably be arrested after sending the text, it's notable that Bayern went  
10 through with it. Bayern had reported Plaintiff's text message and had her  
11 arrested despite the fact that Plaintiff's text was non-threatening and  
12 conciliatory, and despite the fact that they had a hearing the next day where  
13 Bayern would have had the chance to raise the fact that Plaintiff had texted  
14 him in violation of the injunction. There was no legitimate reason or purpose  
15 for Bayern to have Plaintiff arrested that night.  
16  
17

18           278 After a few hours in jail, Plaintiff was released on bond.  
19

20           279 Plaintiff learned that while she was in jail, her children's  
21 nanny had been trying and unable to reach her because Plaintiff's 3-year old  
22 daughter was sick, and the nanny did not know what to do.  
23  
24  
25  
26  
27  
28

November 7, 2019: The Hearing is Held in Tallahassee, Florida

280 The hearing on the injunction was held the next day and Plaintiff attended. Plaintiff found it painful to be in the courtroom with Bayern, who had terrorized her, and she spent much of the hearing crying.

281 At one point during the hearing, Bayern testified as though he was describing his reaction to Plaintiff's emails and said, "I was terrified" but then, barely audibly and in Plaintiff's direction, Bayern added "for her."

282 Plaintiff believes that Bayern was attempting to defend himself to her with the excuse that he had been acting out of concern for her.

283 Plaintiff is hopeful that audio from the hearing, which Plaintiff believes was recorded until the end, can be enhanced to capture the words Bayern added under his breath. Plaintiff believes they serve as a confession that the injunction was frivolous, and also that Bayern had, in fact, gaslighted her and otherwise acted in furtherance of the conspiracy.

284 At the end of the hearing, the Judge told Plaintiff that Plaintiff needed to go into rehab and that it needed to be *inpatient*.

285 Plaintiff had previously repeatedly been pressured, by Bayern and also via the backchannel, to enter inpatient psychiatric treatment for seven days. Plaintiff had been threatened with death if she did not comply. She had also been promised that her case would settle if she did.

1           286 Under duress, Plaintiff had tried to negotiate the terms of her  
2 hospitalization. Plaintiff suggested that they allow her to have some kind of  
3 substance-induced psychosis and to spend the time in inpatient rehab instead  
4 of psychiatric hospitalization.  
5

6           287 When the Judge told Plaintiff that she needed *inpatient* rehab,  
7 no evidence had been presented that Plaintiff needed inpatient rehab. There  
8 had been no substance abuse evaluation recommending inpatient rehab.  
9 Plaintiff was fully sober in the courtroom and had told the judge that it had  
10 been a couple of days since she had had any kind of alcoholic drink.  
11

12           288 Without any supporting medical evidence, the Judge stressed  
13 the same “inpatient” requirement that Google had been so adamant about and  
14 that Plaintiff had previously proposed via the backchannel.  
15

16           289 After the hearing, Plaintiff was facing the possibility that  
17 Google had unduly influenced a judge in a jurisdiction where Plaintiff was now  
18 facing criminal charges.  
19

20           290 As she prepared to return to Seattle, Plaintiff had additional  
21 phone calls with Adams where she cried about the cruelty of what happened to  
22 her in Tallahassee. Plaintiff noticed that Adams seemed genuinely upset and  
23 disturbed at what happened to her.  
24

25           291 After the events in Tallahassee, Adams no longer found time to  
26 talk to Plaintiff. Plaintiff believes, or at least hopes, that Adams decided to  
27 stop helping Google with what they were doing to her.  
28

November 2019 – Present: Ongoing Harassment

292 In the months subsequent to her arrest, and while receiving death threats, Plaintiff made additional attempts to appease Google.

293 At times Google told Plaintiff via the backchannel that she had done enough to placate them and that they were ready to settle. They would tell Plaintiff to send them a high demand, promising that it would be quickly accepted. On multiple occasions Plaintiff complied and sent the requested demand to Johnsrud.

294 Google never accepted those demands. Plaintiff now understands that she was tricked into sending those demands to make her seem erratic or unreasonable.

295 Plaintiff's efforts to discredit herself never seemed to satisfy Google and Plaintiff did not understand why. At the same time, Google did not seem to believe her when she told them that she didn't understand what else they wanted from her. They accused her of pretending to not know.

296 Plaintiff made appointments and told doctors that she had abused stimulants and experienced psychosis. She obtained and filled prescriptions for antipsychotics, which she did not take. She made multiple failed attempts to be admitted into psychiatric hospitalization. She tried to appease Google - to stop the harassment and maybe have the chance to move on with her life. Wasn't there enough on record at this point to call her a

1 “Nutter, Stalker, and Criminal?” Plaintiff was getting death threats but did  
2 not understand what else she was supposed to do.

3  
4 297 Plaintiff still did not understand that it wasn’t about having a  
5 dossier against her if she went public, but about having her legally disqualified  
6 as a witness. Plaintiff had never provided that level of proof.

7  
8 298 Plaintiff didn’t understand because no one was knocking on  
9 Plaintiff’s door asking her to be a witness. It didn’t seem like anyone cared  
10 about her allegations.

11 299 As Plaintiff remained clueless as to why what she had given  
12 Google still wasn’t enough, the threats increased in frequency and included  
13 escalating threats of killing Plaintiff’s children.  
14

15  
16  
17 2020: Plaintiff is Charged with Felonies and is Fired from Her Job  
18

19 300 Plaintiff never contacted Bayern again after the November  
20 2019 events in Tallahassee, but she continued to suffer from PTSD flashbacks.  
21 She had unbearable “fight or flight” adrenaline surges and dealt with them by  
22 sending emails about Bayern to individuals from the Plusmail email group.  
23 Based on those emails, Bayern made additional misleading statements to law  
24 enforcement and had Plaintiff baselessly charged with felonies.  
25  
26  
27  
28



1           301 Plaintiff was told through the backchannel that she was  
2 prolonging her own suffering and had wasted so many opportunities to resolve  
3 the situation. If she had just cooperated and established legal proof that she  
4 had been psychotic, she would have gotten everything and anything she could  
5 ever want. She'd have endless amounts of money, power, and luck - and doors  
6 would magically open for her wherever she went. Google would help her start  
7 a company (as she had planned) and ensure that it succeeded. She's been told  
8 that Google continues to give her opportunities to get all of this, but she keeps  
9 messing up. The criminal charges were another opportunity to put her  
10 insanity on record. She didn't need to figure anything out. They were doing all  
11 the work and she just needed to cooperate.  
12  
13  
14

15           302 Plaintiff was told through the backchannel that she could get  
16 admitted to psychiatric hospitalization if she tried harder and took more  
17 extreme measures that gave the doctors no choice from a liability perspective.  
18 She was told that her concern that a schizophrenia diagnosis would have  
19 implications for her children and their future medical care was ridiculous,  
20 because a fake diagnosis wasn't genetic.  
21

22           303 Google has repeatedly told Plaintiff, through the backchannel,  
23 that they have the power to control what happens with the criminal charges  
24 she is facing. Plaintiff has been repeatedly threatened that if she doesn't plead  
25 insanity to those charges, Google will ensure that she serves prison time. She  
26 has been taunted and told to enjoy whatever free time she has left.  
27  
28

1           304   Plaintiff's criminal defense attorney gently encouraged  
2   Plaintiff to get documentation for an insanity defense. Plaintiff chose to  
3   proceed Pro Se and sent the Prosecutors in Florida evidence of the conspiracy,  
4   the history with Bayern, and proof of his gaslighting and perjury.  
5

6           305   In August 2020, not long after Plaintiff sent additional  
7   evidence to Florida prosecutors, three Seattle Police Department officers  
8   arrived at Plaintiff's house. Plaintiff thought they were there to arrest her on  
9   the outstanding felony warrants.  
10

11          306   Instead of arresting her, the Seattle Police Officers were  
12   compassionate and reassuring. They told Plaintiff that they had come to check  
13   on her and to see if she was ok. They told her that they were proactively  
14   contacted by Florida and told that Florida did not want Plaintiff to be arrested  
15   on the outstanding warrants. They asked Plaintiff how they could help her.  
16

17          307   Plaintiff continues to suffer the effects of PTSD.  
18

19          308   Plaintiff has flashback episodes and nightmares and has been  
20   driven at times to despair or anger. While experiencing flashbacks, Plaintiff  
21   has sent some terrible emails. Doing so gave Plaintiff an outlet for the choking  
22   fight-or-flight response that comes with the flashbacks. She finds that when  
23   she can't breathe, little else matters. While defendants may try to use these  
24   emails to discredit or intimidate Plaintiff, Plaintiff also intends to introduce  
25   them into evidence as proof of her trauma. Prior to the events in these claims,  
26   Plaintiff had no psychiatric or criminal history, and no history of aggression.  
27  
28

1           309 Defendants pushed Plaintiff to the edge with their harassment,  
2 gaslighting, betrayal, manipulation, and threats of killing and brutalizing her  
3 children. On top of that, the worst of it was carried out by people who Plaintiff  
4 trusted and considered friends. The very people who Plaintiff turned to for  
5 reassurances that she and her children were physically safe were the ones who  
6 were purposely terrifying her. Plaintiff wasn't just harassed, she was tortured.  
7

8           310 On September 9, 2020, Plaintiff was fired from her job. The  
9 official reason given was that she had failed a background check because of the  
10 felonies that Plaintiff is facing in Florida.  
11

## 12 13                               **VII. CLAIMS FOR RELIEF**

### 14 15                               **FIRST CAUSE OF ACTION**

#### 16 17                               Conspiracy to Interfere with Civil Rights

#### 18 19                               Against All Defendants

20  
21           42 U.S.C. § 1985 allows civil action to recover damages for injury to person  
22 or property caused by actions taken in furtherance of a conspiracy to  
23 Interfere with Civil Rights.  
24

25  
26           Plaintiff has claims under three separate clauses: **(1) 42 U.S.C. § 1985(2)(i)**  
27 which covers conspiracies to prevent witnesses from testifying in Federal  
28

1 Court **(2)** 42 U.S.C. § 1985(2)(ii) which covers class-based animus  
2 conspiracies to prevent witnesses from testifying in State Court and **(3)** 42  
3 U.S.C. § 1985(3) which covers conspiracies to interfere with Civil Rights.  
4

5  
6 Under each and any of these clauses, if any action in furtherance of the  
7 conspiracy causes injury to person or property or deprivation of rights or  
8 privileges, “the party so injured or deprived may have an action for the  
9 recovery of damages occasioned by such injury or deprivation, against any  
10 one or more of the conspirators.”  
11

12  
13 311 Plaintiff Incorporates by Reference all Paragraphs Above.  
14

15 312 As alleged above, the conspiracy was formed by explicit  
16 agreement between Google, Johnsrud, Kayal, Bayern, and other defendants.

17 313 As alleged above, the conspiracy had two primary goals: **(1)** to  
18 intimidate Plaintiff and prevent her from pursuing her Title VII claims to  
19 their conclusion **(2)** to have Plaintiff diagnosed with a delusional disorder and,  
20 by force, be disqualified as a future witness in subsequent criminal  
21 prosecutions or civil actions.  
22

23 314 The conspiracy also aimed to interfere with Plaintiff’s due  
24 process rights in the criminal charges filed against her.  
25

26 315 Plaintiff can recover under 42 U.S.C. § 1985(2)(i) because  
27 defendants conspired, through force and intimidation, to prevent Plaintiff from  
28

1 continuing to serve as a witness in her arbitration, which was applying  
2 Federal law under the Civil Rights Act. In furtherance of this conspiracy,  
3 Bayern, Plusmail, and Google purposely scared and gaslighted Plaintiff.  
4  
5 Bayern pressured Plaintiff to request an indefinite stay and abandon her case.  
6 Bayern made Plaintiff believe that the arbitrator in the case was corrupt.  
7 Facebook created purposely-misleading evidence prejudicial to Plaintiff.  
8 Google intimidated potential Plaintiff-side witnesses. Kayal made multiple  
9 invalidating statements about Plaintiff's claims to weaken her resolve.  
10

11           316 Plaintiff can also recover under 42 U.S.C. § 1985(2)(i) because  
12 defendants conspired to force Plaintiff to receive a delusional diagnosis so she  
13 would be disqualified as a future witness in a federal prosecution of  
14 obstruction of justice. In furtherance of this conspiracy, Bayern, Russcol, and  
15 Sherman pressured Plaintiff to enter psychiatric hospitalization. Google  
16 threatened and harassed Plaintiff. Blessey sent Plaintiff troubling emails. Cho  
17 and Kayal told others that Plaintiff was delusional. Bayern brought criminal  
18 charges against Plaintiff to try to force an insanity plea.  
19  
20

21           317 Plaintiff can recover under 42 U.S.C. § 1985(2)(ii) because  
22 Plaintiff's Arbitration was also partially governed by State Law. 42 U.S.C. §  
23 1985(2)(ii) is similar to 42 U.S.C. § 1985(2)(i) except it covers State Courts and  
24 adds in a class-based animus requirement. Google has been repeatedly  
25 publicly accused of a class-based animus against women who complain of  
26 discrimination and Plaintiff has also previously accused Google of the same.  
27  
28

1 Google's effort to shut down Plaintiff's arbitration was not about money.  
2 Google was willing to settle Plaintiff's claims for more than they otherwise  
3 believed them to be worth in arbitration, on the condition that Plaintiff be  
4 utterly discredited and humiliated in the process.  
5

6 318 Plaintiff can recover under 42 U.S.C. § 1985(3) because the  
7 defendants conspired to deny Plaintiff her rights under the Civil Rights Acts of  
8 1964 and 1991. In furtherance of this conspiracy, Bayern, Plusmail, and  
9 Google purposely scared and gaslighted Plaintiff. Bayern pressured Plaintiff to  
10 request an indefinite stay and abandon her case. Bayern made Plaintiff believe  
11 that the arbitrator in the case was corrupt. Google intimidated potential  
12 Plaintiff-side witnesses. Kayal made multiple invalidating statements about  
13 Plaintiff's claims to weaken her resolve.  
14  
15

16 319 Plaintiff can also recover under 42 U.S.C. § 1985(3) because  
17 defendants conspired to deny Plaintiff her Fourteenth Amendment Due  
18 Process Rights in attempting to control and influence the criminal justice  
19 process in Tallahassee, Florida.  
20

21 320 As a result of acts taken in furtherance of the conspiracy,  
22 Plaintiff has suffered injury to her physical health and substantial emotional  
23 distress.  
24

25 321 As a result of acts taken in furtherance of the conspiracy,  
26 Plaintiff has been injured in her property in that her claims in arbitration  
27 were dismissed with prejudice.  
28

1           322    As a result of acts taken in furtherance of these conspiracies,  
2    Plaintiff has been injured in her business in that she was fired from her job  
3    because of the criminal charges filed against her in furtherance of the  
4    conspiracy.  
5

6  
7                                   **SECOND CAUSE OF ACTION**

8                                   Racketeering - RICO 18 U.S.C. § 1964(c) and (d)  
9

10                                  Against All Defendants  
11

12           323    Plaintiff incorporates by reference all paragraphs above.  
13

14           324    Plaintiff asserts claims under the Racketeering Influenced and  
15    Corrupt Organizations Act (RICO) 18 U.S.C. § 1964.

16           325    Federal Rule 18 U.S.C § 1964(c) provides: “Any person injured  
17    in his business or property by reason of a violation of section 1962 of this  
18    chapter may sue therefor in any appropriate United States district court and  
19    shall recover threefold the damages he sustains and the cost of the suit,  
20    including a reasonable attorney’s fee”  
21

22           326    18 U.S.C. §1962(c) provides that: “It shall be unlawful for any  
23    person employed by or associated with any enterprise engaged in, or the  
24    activities of which affect, interstate or foreign commerce, to conduct or  
25    participate, directly or indirectly, in the conduct of such enterprise’s affairs  
26    through a pattern of racketeering activity or collection of unlawful debt.”  
27  
28

1           327    18 U.S.C. § 1961(4) defines an enterprise as “any individual,  
2           partnership, corporation, association, or other legal entity, and any union or  
3           group of individuals associated in fact although not a legal entity.”  
4

5           328    18 U.S.C. § 1961(1) provides:

6           329    “‘racketeering activity’ means (A) any act or threat involving  
7           murder, kidnapping, gambling, arson, robbery, bribery, extortion [...], which is  
8           chargeable under State Law and punishable by imprisonment for more than  
9           one year; (B) any act which is indictable under any of the following provisions  
10          of title 18, United States Code: Section 201 (relating to bribery), [...], section  
11          1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344  
12          (relating to financial institution fraud), [...], section 1503 (relating to  
13          obstruction of justice), section 1510 (relating to obstruction of criminal  
14          investigations), section 1511 (relating to the obstruction of State or local law  
15          enforcement), section 1512 (relating to tampering with a witness, victim, or an  
16          informant), section 1513 (relating to retaliating against a witness, victim, or  
17          an informant), [...] section 1956 (relating to the laundering of monetary  
18          instruments), section 1957 (relating to engaging in monetary transactions in  
19          property derived from specified unlawful activity).”  
20  
21  
22  
23

24          330    18 U.S.C. § 1961(5) provides that a “‘pattern of racketeering  
25          activity’ requires at least two acts of racketeering activity, one of which  
26          occurred after the effective date of this chapter and the last of which occurred  
27  
28



1 within ten years (excluding any period of imprisonment) after the commission  
2 of a prior act of racketeering activity;”

3           331 There was a RICO Enterprise: As alleged above, the named  
4 defendants associated in fact through a number of agreements and formed an  
5 enterprise with the purpose of covering up Google’s past and ongoing  
6 misconduct in multiple legal proceedings and investigations. The enterprise  
7 schemed to intimidate Plaintiff, to obstruct justice, and to attempt to have  
8 Plaintiff diagnosed as delusional and be disqualified as a future witness.  
9

10           332 The enterprise was longstanding, with initial explicit  
11 agreements dating back to no later than September 2018 (Facebook), and quite  
12 probably to 2016 (Blessey). The enterprise is ongoing and continues to pose a  
13 threat to Plaintiff and others.  
14

15           333 The enterprise affected interstate commerce in countless ways  
16 including the following: The purpose of the enterprise was meant to protect a  
17 multinational corporation and allow them to continue operating their  
18 interstate-commerce business without government scrutiny into their dealings.  
19 The purpose of the enterprise also included shutting down a California-based  
20 arbitration of New York and Washington State economic claims, with a  
21 plaintiff based in Washington. The enterprise planned to distribute substantial  
22 bribes to enterprise associates across multiple states. An award in the case  
23 would be partially taxable by the state of New York and would have included a  
24 transfer from a Delaware-incorporated and California-based company to a  
25  
26  
27  
28

1 Washington State resident who planned to use it to start a company and  
2 create hundreds, if not thousands, of jobs in Washington and provide services  
3 to all 50 states. The scheme also involved manipulating Plaintiff into taking a  
4 commercial flight from Washington to Georgia to Florida (on an airline  
5 headquartered in Georgia and incorporated in Delaware), and staying in a  
6 Florida-based hotel. Plaintiff believes that the enterprise engaged in other  
7 acts of interstate commerce, including the hiring of private investigators and  
8 consultants across multiple states.  
9  
10

11           334 Plaintiff suffered injury to both her business and her property  
12 as a result of defendant's pattern of racketeering. Plaintiff suffered injury to  
13 her business in that she was involuntarily terminated from her job because of  
14 the false criminal charges that the enterprise corruptly had filed against her.  
15 She will also be limited in future employment and business opportunities.  
16 Plaintiff suffered injury to her property in that her Title VII and State Claims  
17 were dismissed with prejudice as a result of the enterprise's harassment,  
18 extortion, and obstruction.  
19  
20

21           335 As a first predicate act of racketeering, and as alleged above,  
22 and in furtherance of the enterprise's purpose, Google corruptly bribed one or  
23 more public officials in *Gonzalez vs. Spivak*, in violation of California Penal  
24 Code 92, and punishable as a felony with imprisonment of up to four years  
25 under State Law, and qualifying as a racketeering activity under 18 U.S.C. §  
26 1961(1)(A).  
27  
28

1           336    As a second predicate act of racketeering, and as alleged above,  
2           and in furtherance of the enterprise's purpose, Facebook corruptly assisted  
3           Google in generating false or misleading evidence in violation of 18 U.S.C. §  
4           1512(c)(2) against obstruction, and qualifying as a racketeering activity under  
5           18 U.S.C. § 1961(1)(B).  
6

7           337    As a third predicate act of racketeering, and as alleged above,  
8           and in furtherance of the enterprise's purpose, Blessey sent Plaintiff  
9           misleading emails to influence or delay Plaintiff's involvement and testimony  
10          in her arbitration, in violation of 18 U.S.C. § 1512(b)(1) against witness  
11          tampering, and qualifying as a racketeering activity under 18 U.S.C. §  
12          1961(1)(B).  
13  
14

15          338    As a fourth predicate act of racketeering, as alleged above, and  
16          in furtherance of the enterprise's purpose, Kayal made multiple misleading  
17          and discouraging representations to Plaintiff to weaken her resolve in  
18          pursuing her claims and to convince her to withdraw her bar complaint  
19          against Johnsrud, in violation of 18 U.S.C. § 1512(b) against witness  
20          tampering and qualifying as racketeering activity under 18 U.S.C. §  
21          1961(1)(B).  
22  
23

24          339    As a fifth predicate act of racketeering, and as alleged above,  
25          and in furtherance of the enterprise's purpose, Sherman corruptly frightened  
26          Plaintiff and urged her to check into psychiatric hospitalization, in order to  
27          have Plaintiff become disqualified as a witness, in violation of 18 U.S.C. §  
28

1 1512(b) against witness tampering, and qualifying as racketeering activity  
2 under 18 U.S.C. § 1961(1)(B).

3 340 As a sixth predicate act of racketeering, as alleged above, and  
4 in furtherance of the enterprise's purpose, Bayern corruptly induced Plaintiff  
5 to request an "indefinite stay" in her arbitration, in violation of 18 U.S.C. §  
6 1512(b) against witness tampering, and qualifying as racketeering activity  
7 under 18 U.S.C. § 1961(1)(B).  
8

9 341 As a seventh predicate act of racketeering, as alleged above,  
10 and in furtherance of the enterprise's purpose, Johnsrud/Google threatened to  
11 murder Plaintiff's 3-year-old child if Plaintiff did not agree to go along with a  
12 delusional diagnosis, in violation of Washington Criminal Code  
13 9A.46.020(2)(b)(ii) against harassment, and punishable under State Law by  
14 imprisonment for up to 5 years as a Class C Felony, and qualifying as  
15 racketeering activity under 18 U.S.C. § 1961(1)(A).  
16

17 342 As an eighth predicate act of racketeering, as alleged above,  
18 and in furtherance of the enterprise's purpose, Google threatened to murder  
19 Plaintiff in order to induce Plaintiff to not be available as a witness in future  
20 legal proceedings, in violation of Washington Criminal Code 9A.72.110(1)(a-c)  
21 against witness intimidation, and punishable under State Law by  
22 imprisonment for up to 10 years as a Class B Felony, and qualifying as  
23 racketeering activity under 18 U.S.C. § 1961(1)(A).  
24  
25  
26  
27  
28

1           343    As a ninth predicate act of racketeering, as alleged above, and  
2   in furtherance of the enterprise's purpose, Johnsrud/Google made additional  
3   repeated death threats against Plaintiff, in violation of Washington Criminal  
4   Code rule 9A.46.110(5)(b)(vi) against retaliatory stalking of a current, former,  
5   or prospective witness in an adjudicative proceeding, and punishable under  
6   State Law by imprisonment for up to 10 years as a Class B Felony, and  
7   qualifying as racketeering activity under 18 U.S.C. § 1961(1)(A).  
8  
9

10           344    As a tenth predicate act of racketeering, as alleged above, and  
11   in furtherance of the enterprise's purpose, through false representations,  
12   Bayern attempted to obtain power of attorney over Plaintiff's estate in order to  
13   obtain and launder the illegal bribes that were to be paid to certain associates  
14   in the enterprise (as trustee or advisory fees), in violation of 18 U.S.C. § 1956  
15   against attempted money laundering and 18 U.S.C. § 1343 against wire fraud,  
16   and qualifying as racketeering activity under 18 U.S.C. § 1961(1)(B).  
17  
18

19           345    As an eleventh predicate act of racketeering, as alleged above,  
20   and in furtherance of the enterprise's purpose, Russcol threatened Plaintiff  
21   with a frivolous restraining order if she spoke up about the conspiracy, in  
22   violation of 18 U.S.C. § 1512(b) against witness tampering, and qualifying as  
23   racketeering activity under 18 U.S.C. § 1961(1)(B).  
24

25           346    As a twelfth predicate act of racketeering, Bayern submitted  
26   false material statements in his declaration in Bayern v. Spivak, in violation of  
27   Florida Statute 837.02 against perjury, and punishable under State Law by  
28

1 imprisonment for up to 5 years as a third degree felony, and qualifying as  
2 racketeering activity under 18 U.S.C. § 1961(1)(A).

3           347 As a thirteenth predicate act of racketeering, as alleged above,  
4 and in furtherance of the enterprise's purpose, Bayern corruptly had Plaintiff  
5 charged with felonies, to try to induce her to file an insanity defense so she  
6 would be disqualified as a witness, in violation of 18 U.S.C. § 1512 against  
7 witness tampering, and qualifying as racketeering activity under 18 U.S.C. §  
8 1961(1)(B).  
9  
10

11           348 As a fourteenth predicate act of racketeering, as alleged above,  
12 and in furtherance of the enterprise's purpose, Google may have unduly  
13 influenced the judge in *Bayern v. Spivak*, and if not, otherwise arranged to  
14 unduly influence one or more Florida Judges (as they threatened they could do  
15 if Plaintiff did not plead insanity), in violation of Florida Criminal Statute  
16 838.015 against bribery, and punishable as a second degree felony under  
17 Florida State Law with imprisonment of up to 15 years, and qualifying as  
18 racketeering activity under 18 U.S.C. § 1961(1)(A).  
19  
20

21           349 As a fifteenth predicate act of racketeering, as alleged above,  
22 and in furtherance of the enterprise's purpose, Google influenced and  
23 intimidated Google employees who were potential Plaintiff-side witnesses in  
24 *Spivak v. Google*, in violation of 18 U.S.C. § 1512 against witness tampering,  
25 and qualifying as racketeering activity under 18 U.S.C. § 1961(1)(B).  
26  
27  
28

1           350    As a sixteenth predicate act of racketeering, as alleged above,  
2           and in furtherance of the enterprise's purpose, Johnsrud engaged in multiple  
3           repeated acts of obstruction in Plaintiff's arbitration, in violation of 18 U.S.C. §  
4           1512(c) against witness tampering/obstruction, and qualifying as racketeering  
5           activity under 18 U.S.C. § 1961(1)(B).  
6

7           351    As a seventeenth predicate act of racketeering, Johnsrud  
8           threatened Plaintiff with physical violence to induce her to abandon her  
9           arbitration, in violation of 18 U.S.C. § 1951 against extortion and qualifying as  
10          racketeering activity under 18 U.S.C. § 1961(1)(B).  
11

12          352    As an eighteenth predicate act of racketeering, as alleged  
13          above, and in furtherance of the enterprise's purpose, Johnsrud engaged in  
14          multiple repeated acts of harassing Plaintiff in order to prevent her from  
15          causing a criminal prosecution to be instituted against him, in violation of 18  
16          U.S.C. § 1512(d)(4) against witness tampering and qualifying as racketeering  
17          activity under 18 U.S.C. § 1961(1)(B).  
18  
19

20          353    As predicate acts 19– 20: Plaintiff alleges multiple additional  
21          gaslighting communications, each meant to confuse and disconcert Plaintiff,  
22          and in violation of 18 U.S.C. § 1512, sent in 2019 by members of the enterprise  
23          who are not named as defendants, but who were part of the enterprise and  
24          who were directed by the defendants.  
25

26          354    As predicate acts 21– 30: Plaintiff alleges multiple additional  
27          acts obstruction, that will be surfaced through discovery.  
28

**THIRD CAUSE OF ACTION**

Invasion of Privacy

Against Google and Johnsrud

355 Plaintiff Incorporates by Reference all paragraphs above

356 By “hacking” Plaintiff’s home network and devices, and otherwise monitoring Plaintiff’s private activity, Google committed countless acts of Invasion of Privacy through Intrusion into Seclusion, as alleged above, and with the specifics of each act to be proven at trial.

**WHEREFORE,** Plaintiff prays judgement be entered in her favor against Defendants, and each of them, as follows:

**AS TO THE FIRST CAUSE OF ACTION**

**Conspiracy to Interfere with Civil Rights**

- a. For Economic Damages for the loss of Plaintiff’s Claims in Arbitration: \$90,000,000.00 or as established by proof.
- b. For Economic Damages for the loss of Plaintiff’s employment
- c. For legal fees and costs of suit



- d. For General Damages
- e. For Exemplary and Punitive Damages
- f. For any such Declaratory Judgement validating Plaintiff's allegations as the Court may deem just and proper
- g. For such other and further relief as the Court may deem just and proper

## AS TO THE SECOND CAUSE OF ACTION

### Racketeering

- a. For Treble Damages on Injury to Property for the loss of Plaintiff's arbitration – \$270,000,000.00 – or three times the value of Plaintiff's claims in arbitration.
- b. For Treble Damages on Injury to Business for the loss of Plaintiff's employment and harm to her professional reputation, according to proof.
- c. For such other and further relief as the Court may deem just and proper.

AS TO THE THIRD CAUSE OF ACTION

Invasion of Privacy

- a. For General Damages
- b. For Exemplary Punitive Damages
- c. For such other and further relief as the Court may deem just and proper

Dated this 5<sup>th</sup> day of October 2020

*RSpivak*

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Rivka ("Rebecca") Spivak

Plaintiff, Pro Se